

File

TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATION  
TOWN MANAGER'S OFFICE

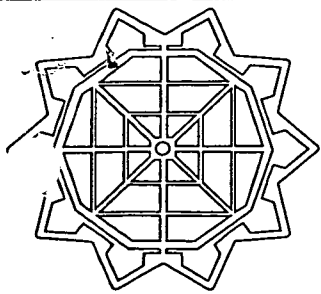
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DATE: August 5, 1994

TO: Board of Selectmen  
FROM: Don P. Johnson, Town Manager  
SUBJECT: Vacation

We have had to make a slight adjustment in our vacation itinerary. As a result, I will be returning to the office on Tuesday, August 15, instead of Monday the 14th.





# Massachusetts Municipal Association LEGISLATIVE BULLETIN

July 29, 1994

cc: BOS

## LEGISLATURE READIES FOR RECESS; KEY LOCAL MATTERS ADVANCE

### **\$300 Million in Local Road Funds**

The Capital Expenditures Bill, H. 5241 reported out by the conference committee early this week, was approved by the House on a unanimous 152-0 roll call vote and sent to the Senate. The Senate is expected to take its final vote on the bill on Tuesday, Aug. 2, and send it to Governor Weld.

The bill contains \$300 million in Chapter 90 funds for cities and towns, and includes key language to allow municipalities to use the funds for a variety of new purposes such as gravel roads, bridges, the leasing or purchase of road building equipment and machinery, sidewalks, saltsheds, bike ways, and off-street parking facilities. Adoption of these provisions have been a top priority for MMA members. The Mass. Highway Department will be required to notify communities within 30 days of the act's effective date of their the total apportionment. Look in the September *Beacon* for your community's share of these monies.

Also included in this bill are the following:

- \$45.1 million for grants to cities and towns for public libraries
- \$10 million for coastal cities and towns for protecting shores and beach properties
- \$10 million for the repair, renovation, and construction of municipal police stations
- \$10.1 million for bullet-proof vests for municipal and state police officers
- \$2.6 million for public school matching grants for computers acquired after 7/1/91.

### **Legislature Passes Landfill Capping Grants**

The House of Representatives has passed a final deficiency budget for fiscal 1994. This bill,

Massachusetts Municipal Association, 60 Temple Place, Boston 02111

H. 5240, contains an outside section that directs the state Department of Environmental Protection (DEP) to award the last \$7 million of the 1983 landfill capping grant program to cities and towns. The DEP is directed to award grants to communities ranked 30 and lower on the so-called fundable list of the landfill capping grant program. Please contact David Baier at the MMA to determine if where your community is on the fundable list.

H. 5240 has been referred to the Senate Committee on Ways and Means. At the July LGAC meeting Lt. Gov. Cellucci indicated the administration's willingness to consider signing this provision.

### **The Latest School Finance Snafu**

On July 14, the Board of Education approved a series of revisions to the school finance regulations proposed by the state Department of Education (DOE). The MMA is concerned about one last minute change by the board to exclude health insurance costs for retired school teachers from "net school spending." The MMA estimates that the cost of retired teachers health insurance is \$93 million statewide.

The MMA has been in contact with the DOE concerning this matter and has stressed to DOE officials that they must be sensitive in implementing this change or communities could be facing a new round of cuts in other vital municipal services. The MMA is encouraged by initial conversations with DOE officials and will keep members informed of progress or problems with this major issue.

## **Labor Issues**

A number of labor provisions were included in the fiscal 1995 state budget. Some were enacted into law, some were vetoed by Governor Weld and one veto was overridden by the Legislature:

### **Retirees' COLA Enacted (Section 208)**

The budget grants a 3 percent cost of living increase for retirees. A cap of \$275 is imposed. It requires that any employee retiring after July 1, 1994 would be required to contribute a minimum of 15 percent of his or her health care coverage, or the same dollar amount that active employees in the same plan contribute, whichever is greater. The language is unclear as to whether or not the minimum health care contribution provision is intended for state employees retiring after July 1, or whether it also pertains to municipal employees retiring after July 1.

### **Mandated Benefit Enacted**

The budget mandates coverage of off-label use of prescription drugs used in the treatment of HIV/AIDS (Sections 142, 144, 146, 149).

### **Disability Retirement Vetoed (Section 305)**

The budget included a provision that the governor vetoed which would have allowed individuals retired under a disability retirement, and who have been continuously employed by the state or a municipality for at least 10 years after the retirement, to be deemed to be restored to active service upon the employee's election. After being restored to active service, the retirement allowance would have ended, and he or she would have become an active member. Any creditable service in effect at the time of retirement for disability would have been restored, and upon subsequent retirement, the individual's allowance would have been calculated as if the disability retirement and reinstatement had not taken place.

### **Mandated Benefit Vetoed**

The budget included a provision that Governor Weld vetoed which would have created a new mandated health care benefit by mandating

coverage for blood glucose monitoring strips for home use for diabetics (Sections 141, 145, 147, 150).

### **Workers' Compensation Vetoed (Section 138)**

The budget included a provision that the governor vetoed that would have removed a prohibition against workers' compensation awards for scar disfigurements that are not on the face, neck or hands.

### **Legislature Overrides Any-Willing-Provider Provision Veto (Sect. 148)**

The House overrode by a vote of 141-16 and the Senate overrode by a vote of 29-7 the governor's veto of the "any-willing-pharmacy" provision, which would require HMOs and other managed care organizations to contract with any pharmacy that is willing to take a price. This provision reverses municipalities' efforts to contain health care costs. Many municipal employees are enrolled in health plans that use managed-care networks, including pharmaceutical networks. Selective purchasing has helped cities, towns, and the state contain health care costs, particularly among groups of retirees. This provision would undo these networks. MMA is concerned that this is the first step toward dismantling most of the innovative managed-care networks that have benefitted employees, employers, and taxpayers. A large number of health care services and professional groups have filed similar legislation that would insulate them from healthy competition.

Don P. Johnson  
Town Manager

August 4, 1994

Mr. David Soule, Executive Director  
Metropolitan Area Planning Council  
60 Temple Place  
Boston, MA 02111

re: Draft Transportation Improvement Program (TIP)  
FY 1995-97

Dear David;

The Town of Acton has reviewed the draft Transportation Improvement Program for FY'95-97 as requested in your letter of July 12, 1994 and we offer the following comments on the projects listed in Appendix D.

<u>Project Name</u>	<u>Project #</u>	<u>Fiscal Year</u>	<u>Amount Programmed</u>
Wetherbee St., Acton Project is ready to go.	600081	1995	\$350,000
Rte 111, Acton-Boxboro Project initiated by the Mass. Highway Department.	600683	1995	\$600,000
Rte., 2, Concord Project initiated by the Mass. Highway Department.	096902	1997	\$500,000
Concord Rd. Sidewalks Project is correct as listed.	Pending	1997	\$210,000
School St. & Lawsbrook Rd. Project is correct as listed.	Pending	1997	\$210,000
Route 2A, Acton Project is correct as listed.	Pending	1997	\$550,000
Route 62, Acton Project is ready to go. Please move to FY '95.	Pending	1997	\$48,000
Route 27, Acton, 03	104749	1996	\$2,500,000

We have been assured that this bridge project will not be moved from FY'95 to FY'96 as shown in the draft TIP, and that the design will be completed by the MHD to enable the project to be bid in the first quarter of FY'95. This bridge is in a critical state of disrepair; further delays are unacceptable.



Central St., Acton Project is correct as listed.	Pending	1996	\$300,000
High St., Acton Project is correct as listed.	Pending	1996	\$270,000
Rte. 27, Acton Project is correct as listed.	Pending	1996	\$630,000
Rte. 2A, Acton Project is correct as listed.	Pending	1996	\$630,000
S. Acton Train Station This project is ready to go. Please move to FY'95.	Pending	1996	\$25,000

Route 27, Acton                      Pending                      1997                      \$450,000  
This project is for intersection improvements at Route 27, Central Street, High Street & School Street. These intersections are adjacent to the bridge identified as Project #104749 and should be completed during reconstruction of the bridge. Please cross-reference these projects to ensure the area is treated as one entity.


In addition to the above listed projects, the Town of Acton requests that the following projects be added to the TIP as stated in our letter to you dated August 1, 1994.

<u>Project Name</u>	<u>Fiscal Year</u>	<u>Amount Programmed</u>
Pavement Management	1996	\$633,600.00
Stow St. Bridge	1997	\$250,000.00

The Town of Acton is hopeful that this TIP will differ from previous TIPs that were over-programmed by more than 200%. It is critical that municipalities be able to rely on projects being accomplished once they are listed in the TIP. As you know, the Rte. 27 bridge has been listed on the TIP for over a decade, but no progress has been made and the deterioration of the bridge has worsened. This bridge is representative of many projects that have experienced similar frustrating delays even though they have been listed on the TIP for many years. We strongly urge MAPC as a member of the MPO representing the cities and towns of the metropolitan area to ensure that the projects shown on the TIP are viable projects with dedicated funding sources.

Thank you for your attention to these comments and for your on-going efforts to develop a realistic TIP. The Town of Acton requests that you forward these comments to the other members of the Metropolitan Planning Organization on its behalf. If you have any questions concerning these comments or require additional information, please contact our TIP Reviewer, David Abbt, at 508-264-9628.

Sincerely,

  
Don P. Johnson  
Town Manager

DPJ/dmj

cc: David Abbt, Engineering Administrator  
Donna Jacobs, Assistant Town Planner  
Richard Howe, Highway Superintendent  
Board of Selectmen

dw11\*19



*The Commonwealth of Massachusetts*  
*Division of Energy Resources*  
*100 Cambridge Street, Room 1500*  
*Boston, Massachusetts 02202*

William F. Weld  
Governor

Argeo Paul Cellucci  
Lieutenant Governor

Gloria Cordes Larson  
Secretary

Stephen J. Remen  
Commissioner

Telephone:  
(617) 727-4732

Facsimile:  
(617) 727-0030

August 3, 1994

Mr. Steven M. Rothstein  
Executive Director  
North East Solid Waste Committee  
530 Atlantic Avenue  
Boston, MA 02210

Dear Mr. Rothstein.

A handwritten signature in cursive script that reads "Steve".

I am writing in response to your letter to Secretary Gloria C. Larson, as well as a follow-up to our recent meeting.

I appreciate your providing me with an update on the activities of the NESWC. As indicated in our meeting, we are interested in the activities of NESWC and its member communities. Of particular interest are efforts which impact the wholesale and retail electric markets in Massachusetts.

Your time to keep us informed of future developments will be appreciated. Best wishes with all your efforts.

Yours very truly,

A handwritten signature in cursive script that reads "Steve".

Stephen J. Remen

CC: Sec. Larson

David Tibbetts

John Murray, Town of Acton

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cc: BOS - FYI

DON

TOWN OF ACTON  
472 Main Street  
Acton, Massachusetts 01720  
Telephone (508) 264-9628  
Fax (508) 264-9630

David F. Abbt, P.L.S.  
Engineering Administrator

August 4, 1994

Mr. Louis K. Bragaw  
397 Great Road, Unit 5  
Acton, MA 01720

Dear Mr. Bragaw:

Your letter of July 30, 1994 was referred to me by the Tax Collector's office for a response. No doubt your concern for the condition of the railroad crossing on Route 2A/119 in Acton is well founded. However, Route 2A/119 (Great Road) is a state highway under the control of the Massachusetts Highway Department. They are entirely responsible for repair and maintenance work on this road. I am forwarding a copy of your letter to them for appropriate action.

Although rarely used these days, the railroad crossing has not been abandoned. This is a spur line that currently dead-ends at the old Wicks Lumber yard on Route 27 in North Acton. The Commonwealth of Massachusetts (Executive Office of Transportation and Construction) owns this rail line and the operation is leased, I believe, to the Bay Colony Railroad. I will likewise forward a copy of your letter to the E.O.T.C. for a response.

Please call me at 508-264-9628 if you need any further information.

Very truly yours,



David F. Abbt, P.L.S.  
Engineering Administrator

DFA/dmj

cc: Don P. Johnson, Town Manager ✓  
Peter Donohue, District Highway Engineer, MHD District 3  
Jorge Borda, Property Administrator, E.O.T.C.

95\*28

397-5 Great Rd  
Acton, MA 01720  
July 30, 1994

ATTN: TOWN TRAFFIC ENGINEERING

To whom it may concern,

Enclosed in my tax payment is this request for a road repair. Specifically, the road 119 (Rt 2A) by Triple A grocery store and the Sunoco station has railroad tracks. The road by these tracks has progressively gotten worse, it is deperated by several inches to create a big bump in the road. This is fast becoming a safety hazard. Cars often swerve to go over a better spot, thus causing a lot of lost second traffic swerves that could cause accidents. Its even a hazard if you don't swerve because your car bumps quite a bit.

The train tracks on Rt 27 were removed (by Summerville Lumber) several years ago and I really appreciate that. I request that a similar work be done to remove the tracks between Triple A grocery and Sunoco so that driving conditions through there can be improved.

Would you please let me know if this can/will be done. I feel it is a very reasonable request especially since it impacts public safety in that already busy spot.

Thanks, I am very happy (for the most part with the condition of services within the town. Sincerely,  
Louis Bragaw



cc: BOS

Town Manager

## PLANNING BOARD • Town of Acton

472 MAIN STREET ACTON, MASSACHUSETTS 01720 TELEPHONE (508) 264-9636

RECEIVED & FILED

DATE August 2, 1994 12:50 P.M.

DECISION  
94-9

Margaret Russell  
for TOWN CLERK, ACTON

### Parmley Drive Preliminary Subdivision

August 1, 1994

DECISION of the Planning Board (hereinafter the Board) on the application of Lunn and Sweeney (hereinafter the Applicant) of Acton, MA for property located on High Street approximately 250' North of the intersection of Hatch Road and Valley Road in Acton, MA, owned by Jack Parmley of 123 High Street, Acton, MA. The 3.9 acre site of the proposed subdivision is shown on the 1994 Acton Town Atlas map I-3 as parcel 32.

This DECISION is in response to an application for approval of a Preliminary Subdivision Plan entitled "Preliminary Plan, Parmley Drive in Acton, Mass." (hereinafter the Subdivision), dated 6/13/94 and received by the Acton Planning Department on June 17, 1994 pursuant to Massachusetts General Laws, Chapter 41, Section 81-K through 81-GG, and under the Acton Subdivision Rules and Regulations (hereinafter the Rules).

The Applicant presented the Preliminary Plan to the Board at an advertised public meeting on July 11, 1994 in Room 126 of the Acton Town Hall. Mr. Kevin Sweeney, representing the Applicant, was assisted in his presentation by Mr. Russell Wilson of R. Wilson and Associates. Board members David Hill, Chairman; William Shupert III, Vice-Chairman; John Pavan, Clerk; Richard Crosswell; James Lee; and Joshua Chernin were present throughout the meeting. The records upon which this decision is based may be viewed in the Office of the Town Clerk or in the Planning Department.

### EXHIBITS

Submitted for the Board's deliberation were the following exhibits:

EXHIBIT 1 A Preliminary Subdivision Plan entitled "Preliminary Plan, Parmley Drive in Acton, Mass." prepared for Distinctive Acton Homes Inc., dated June 13, 1994, R. Wilson and Associates, 294 Great Road, Acton, MA 01720.

EXHIBIT 2 Supplementary items and documentation required by the rules consisting of the following:

- a. Properly executed Application for Approval of Preliminary Plan;
- b. Completed Development Impact Report;
- c. Filing Fee in the amount of \$1,000.00; and
- d. A locus map at a scale 1"=200'

EXHIBIT 3 Interdepartmental communications submitted to the Board by the following:

Acton Board of Health, dated 6/22/94;  
Acton Tree Warden & Municipal Properties Dir., dated 7/1/94;  
Acton Engineering Department, dated 6/28/94;  
Acton Water District, dated 6/20/94;  
Acton Finance Director, dated 6/21/94;  
Acton Historical Commission, dated 7/13/94;  
Acton Fire Chief, dated 7/12/94; and  
Acton Planning Department, dated 7/7/94.

EXHIBITS 1 and 2 are referred to herein as the Plan.

## 1 FINDINGS AND CONCLUSIONS

Based upon its review of the Exhibits and the record of the proceedings the Board finds and concludes that:

- 1.1 The Plan shows a Subdivision of approximately 3.9 acres into four (4) residential lots.
- 1.2 The proposed use is an allowed use in the Residence 2 (R-2) District. The proposed lots comply with the area, frontage and dimensional requirements of the Acton Zoning Bylaw.
- 1.3 The Plan shows a subdivision roadway of approximately 300 +/- feet featuring a 50 foot right of way and a 20 foot wide paved travelled way to service four lots.
- 1.4 The Subdivision is contained within Zone 3 and Zone 4 of the Groundwater Protection District.
- 1.5 There appears to be some Flood Plain Zoning District area on the Subdivision tract which is not shown on the Plan.
- 1.6 The site of the proposed subdivision is described as 3.65 acres of forested land with .25 acres of wetland, 1.25 acres of roads, buildings and other impervious surfaces. The Applicant states 20% of the site is well-drained and that 80% of the site has moderately well drained soils.
- 1.7 The proposed subdivision is a small scale residential development that, although not requested, would be suitable for approval as a Residential Compound under Section 10 of the Rules. Subdivision roads approved as Residential Compounds shall remain private ways in accordance with the Rules, Section 10. Section 10 also requires certain legal documents to ensure privately shared ownership and maintenance responsibilities. The Applicant will need to request a waiver to allow the residential compound to include four parcels.
- 1.8 The Rules require construction of sidewalks along the subdivision roadway and the frontage on High Street. Pedestrian and vehicular traffic in the Parmley Drive Subdivision will be minimal. High Street is a much busier street. The Board will consider a waiver to allow the sidewalk required along the frontage and the subdivision roadway to be relocated elsewhere in South Acton, preferably beginning on Main Street and continuing along High Street, as determined by the Board.

- 1.9 The Engineering Department has recommended several modifications to the Subdivision.
- 1.10 The Acton Fire Chief has stated that a fire alarm box will be required, that no hydrants will be needed, and that the street name is acceptable to the Fire Department.
- 1.11 Street numbers are not shown on each lot.
- 1.12 Chapter J of the Bylaws of the Town of Acton identifies High Street as a Scenic Road.
- 1.13 The Acton Water District states that the Applicant needs to install an 6" ductile water main from High Street to the end of the proposed road with a fire hydrant installed at the end of the water main.
- 1.14 The Acton Finance Director has advised that back taxes in the amount of \$2,548.81 plus interest and associated charges are owed to the Town of Acton for this parcel of land.

## 2 BOARD ACTION

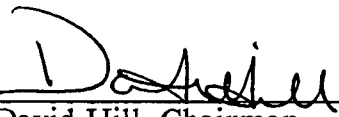
Therefore, subject to and with the benefit of the following plan modifications and conditions, the Board votes to **APPROVE** the Preliminary Subdivision. Unless stated or implied otherwise, modifications to the Plan shall be made and conditions shall be fulfilled by the time a definitive plan application is filed with the Board.


## 3 CONDITIONS and PLAN MODIFICATIONS

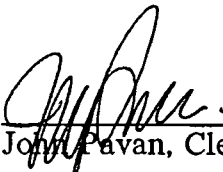
- 3.1 The definitive subdivision plan shall comply with the Acton Zoning Bylaw and the Rules except as otherwise specifically stated herein.
- 3.2 The Definitive Plan shall show the delineation of all zoning districts, including the Flood Plain Zoning District.
- 3.3 The drainage system design shall be included in the Definitive Plan.
- 3.4 The design and location of the required subdivision improvements shall not adversely impact the adjacent wetlands and flood plain.
- 3.5 The Board suggests that the sidewalks required by the Rules (along the subdivision roadway and the frontage on High Street) be relocated elsewhere in South Acton, preferably beginning on Main Street and continuing along High Street, as it will be of public benefit to have a sidewalk in this location. The Board will grant the necessary waivers to accomplish the construction of the sidewalks.
- 3.6 The design of the proposed turnaround and the turning radii at the High Street intersection shall comply with the requirements of the Rules unless the definitive plan is for a Residential Compound in which case the requirements are reduced to those of a common drive.
- 3.7 The definitive plan shall comply with the requirements of the Board of Health.

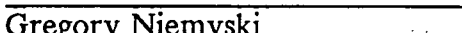


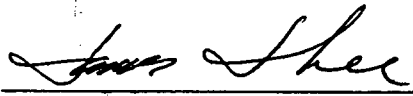
- 3.8 The Applicant shall design the water supply system in accordance with the requirements of the Acton Water District including a 6" ductile water main from High Street to the end of the proposed road with a fire hydrant installed at the end of the water main.
- 3.9 The Applicant shall provide fire protection in accordance with the requirements of the Acton Fire Chief, including a fire alarm box.
- 3.10 The Board encourages the applicant to consider the use of the Residential Compound development option under Section 10 of the Rules due to the small scale of the proposed residential development and the bordering flood plain and wetlands. If the definitive plan is for a Residential Compound, the Board will grant waivers, to the extent required, to allow construction to conform to common driveway standards because these waivers will have the benefit of reducing the impact on wetlands and flood plains, and minimizing the cutting of trees. The Applicant will need to request a waiver to allow the residential compound to include four lots.
- 3.11 The overdue property taxes owed to the Town of Acton for this parcel of land shall be paid in full before the Definitive Plan is endorsed by the Board.

  
David Hill, Chairman

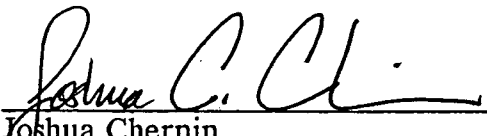
  
William H. Shupert III, V.Chairman

  
John Favan, Clerk

  
Gregory Niemyski

  
James J. Lee

  
Richard Crowell

  
Joshua Chernin

Copies sent to:

Applicant - certified mail #  
Building Commissioner  
Engineering Administrator  
Conservation Administrator

Property Owner  
Board of Health  
Municipal Properties

Fire  
Town Clerk  
Town Manager

Chief

dlib\*78



cc: BOS

## PLANNING BOARD • Town of Acton

472 MAIN STREET ACTON, MASSACHUSETTS 01720 TELEPHONE (508) 264-9636

RECEIVED & FILED

DATE August 2, 1994 12:5 PM

### MODIFICATION OF DECISION (93-1)

Barbara Powell  
for TOWN CLERK, ACTON

### Planned Conservation Residential Community Special Permit

MILL CORNER  
(Lunn & Sweeney Corporation)

August 1, 1994

MODIFICATION by the Planning Board (hereinafter the Board) of its Decision issued on February 22, 1993 and filed with the Town Clerk on February 23, 1993 for the Mill Corner Planned Conservation Residential Community Special Permit (hereinafter the ORIGINAL DECISION) located at 133-147 Main Street, Acton, MA.


This MODIFICATION is in response to the request of Lunn & Sweeney Corp. (hereinafter the Petitioner) for a modification of the Decision to approve the elimination of a 3-car parking facility and the increase in size of Common A to 2472 square feet, and to approve the location of garages and driveways for EUA 2 and EUA 5 which were not shown on the approved record plan as shown on a plan entitled "Exclusive Use Area Plan of Mill Corner P.C.R.C. in Acton, MA", dated March 5, 1993, as amended.


At its regular meeting of August 1, 1994, the Board determined that the requested modification is minor in nature and as such does not require a public hearing. The Board finds that this Modification is consistent with the purpose and intent of the Rules and Regulations for Planned Conservation Residential Communities, the Town of Acton Zoning Bylaw, and with the terms of the ORIGINAL DECISION.

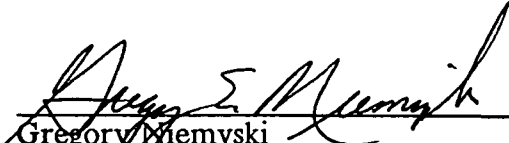
Therefore, the Board voted on August 1, 1994 to modify the ORIGINAL DECISION as follows:

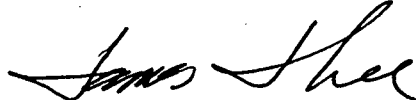
1. to approve the elimination of a 3-car parking facility adjacent to Common A;
2. to approve the increase in size of Common A to 2,472 square feet of landscaped area; and
3. to approve the location of garages and driveways for EUA 2 and EUA 5 which were not shown on the approved record plan as shown on the attached plan section.

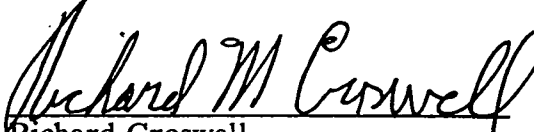
  
David Hill, Chairman

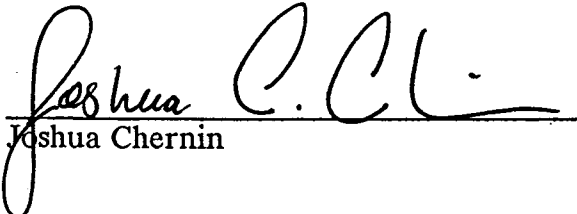
  
William H. Shupert III, V.Chairman

  
John Pavan, Clerk

  
Gregory Memyski

  
James J. Lee

  
Richard Croswell

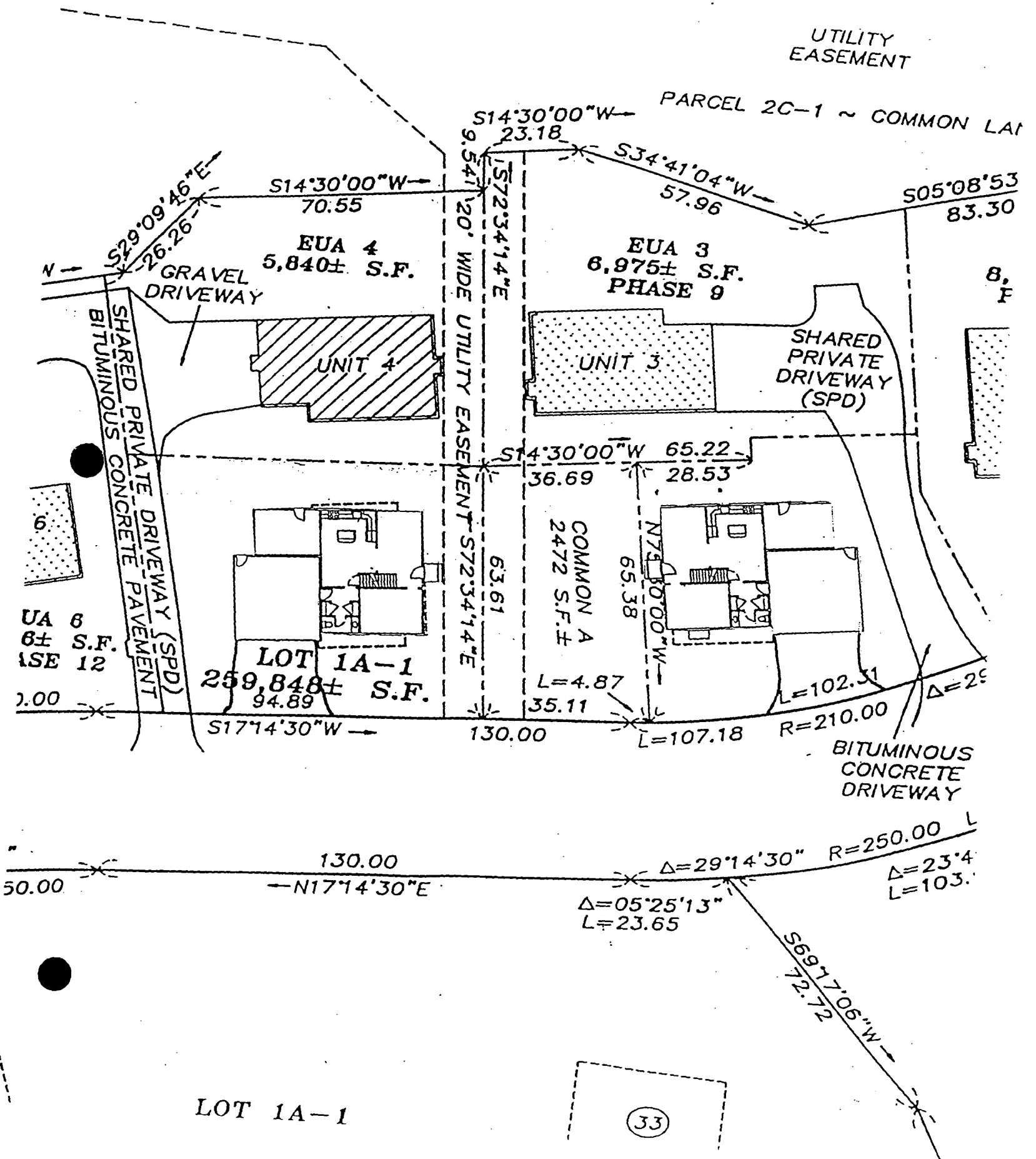
  
Joshua Chernin

cc: Lunn & Sweeney Corp.  
Board of Health  
Engineering Administrator  
Town Clerk

Board of Selectmen  
Conservation Commission  
Building Commissioner

dlib.82

New Plan





cc: BOS

## PLANNING BOARD • Town of Acton

472 MAIN STREET ACTON, MASSACHUSETTS 01720 TELEPHONE (508) 264-9636

RECEIVED & FILED

DATE August 2, 1994

12:50 PM

DECISION  
94-8

*David Powell*  
for TOWN CLERK, ACTON

### MacGregor Lane Definitive Subdivision

August 1, 1994

DECISION of the Planning Board (hereinafter the Board) on the application of Distinctive Acton Homes, Inc. (hereinafter the Applicant) of Acton, MA for property located on the east side of Piper Road behind 45 and 47 Piper Road in Acton, MA, owned by John Folsom of 47 Piper Road, Acton, MA and Walter Newsham of 45 Piper Road, Acton, MA. The 17.1 acre site of the proposed subdivision is shown on the 1994 Acton Town Atlas map H-3, parcel 13 and Map G-3, parcel 193.

This DECISION is in response to an application for approval of a Definitive Subdivision Plan entitled "MacGregor Lane Subdivision, Acton, Massachusetts" (hereinafter the Subdivision), dated and received by the Acton Planning Department on May 27, 1994 pursuant to Massachusetts General Laws, Chapter 41, Section 81-K through 81-GG, and under the Acton Subdivision Rules and Regulations (hereinafter the Rules).

The Applicant presented the Definitive Plan to the Board at an advertised public hearing on July 11, 1994 in Room 126 of the Acton Town Hall. Mr. James Fenton, representing the Applicant, was assisted in his presentation by Mr. Joseph March of Stamski & McNary, Inc. Board members David Hill, Chairman; William Shupert III, Vice-Chairman; John Pavan, Clerk; Richard Crosswell; James Lee; and Joshua Chernin were present throughout the hearing. The records upon which this decision is based may be viewed in the Office of the Town Clerk or in the Planning Department.

### EXHIBITS

Submitted for the Board's deliberation were the following exhibits:

EXHIBIT 1 A Definitive Subdivision Plan entitled "MacGregor Lane Subdivision, Acton, Massachusetts" prepared for Distinctive Acton Homes Inc., dated May 25, 1994 and revised on June 14, 1994, drawn by Stamski & McNary, Inc., 80 Harris Street, Acton, MA 01720, consisting of 7 sheets.

EXHIBIT 2 Supplementary items and documentation required by the rules consisting of the following:

- a. Properly executed Application for Approval of Definitive Plan;
- b. Completed Development Impact Report;
- c. Filing Fee in the amount of \$4,890.00;
- d. Designer's Certificate;
- e. Legal notice of public hearing;
- f. Letter requesting waivers of certain Rules;

- g. Certified abutters list;
- h. Deed of land;
- i. Certificate of corporate vote;
- j. Letter authorizing entry and completion of roadway;
- k. Letter retaining fee in way including associated easements;
- l. Draft Restrictive Covenant;
- m. Drainage analysis and design;
- n. Letter to submit additional information and revised plan sheets
- o. Draft common driveway maintenance agreement

EXHIBIT 3 Interdepartmental communications submitted to the Board by the following:

Acton Board of Health, dated 6/24/94;  
 Acton Tree Warden & Municipal Properties Dir., dated 6/16/94;  
 Acton Engineering Department, dated 6/30/94;  
 Acton Water District, dated 6/15/94;  
 Acton Building Commissioner, dated 6/1/94;  
 Acton Historical Commission, dated 6/8/94;  
 Acton Fire Chief, dated 6/29/94 and 7/13/94; and  
 Acton Planning Department, dated 7/8/94.

EXHIBIT 4 Decision 94-2, MacGregor Lane Preliminary Subdivision, dated February 28, 1994.

EXHIBIT 5 Correspondence received as follows:  
 Stamski & McNary, letter dated 6/17/94  
 Jean Butler, letter dated 7/8/94

EXHIBITS 1 and 2 are referred to herein as the Plan.

## 1 FINDINGS AND CONCLUSIONS

Based upon its review of the Exhibits and the record of the proceedings the Board finds and concludes that:

- 1.1 The Plan shows a Subdivision of approximately 17.5 acres of land into three (3) residential lots. The Subdivision is located in the Residence 2 (R-2) district and is contained within Zone 4 of the Groundwater Protection District. The subdivision is proposed as a Residential Compound in accordance with Section 10 of the Rules.
- 1.2 The proposed use is an allowed use in the R-2 District. The proposed lots comply with the area, frontage and dimensional requirements of the Acton Zoning Bylaw.
- 1.3 The Plan shows a subdivision roadway of approximately 581 +/- feet in length which features a 40 foot right of way and a 16 foot wide paved travelled way to service five lots.
- 1.4 The site of the proposed subdivision is described as 94% forested land with 1 acre of wetlands. The Applicant states that 15.2 acres will remain forested after development and 1.05 acres will be devoted to roads, buildings and other impervious surfaces.
- 1.5 Two lots identified as Lots A and B on the Plan each contain an existing house

and are not considered to be a part of the Residential Compound.

- 1.6 In the decision approving the Preliminary plan (Exhibit 4), the Board granted a waiver to allow construction of the proposed road to common drive standards.
- 1.7 The legal documents required in Sections 10.1.1.5 through 10.1.1.7, 5.2.10, 5.2.11, and 5.2.13 of the Rules were not included with the application form.
- 1.8 Street numbers are not shown on each lot.
- 1.9 Chapter J of the Bylaws of the Town of Acton identifies Piper Road as a Scenic Road. Removal of the public shade tree(s) will require a hearing under the Scenic Road Bylaw.
- 1.10 The Fire Chief has advised that the proposed name for the subdivision road, MacGregor Lane, is not acceptable to the Fire Department. He advises that the street name "MacGregor Way" is acceptable.
- 1.11 The Applicant has requested a waiver of Section 10.1.1.1 of the Rules to provide access for lots A and B over MacGregor Lane. Both lots A and B will have legal frontage on MacGregor Lane.
- 1.12 The Engineering Department has identified the need for the following minor modifications of the Plan.
  - a. Catchbasin 3 is not located entirely within the bounds of the proposed road.
  - b. The hydrant proposed at the end of the turnaround may interfere with snow plowing.
  - c. As proposed, the grading at the end of the turnaround is very steep.
  - d. The detail for Detention Area 2 outlet structure should show 12" of bank run gravel below the rip rap.
  - e. A note that the road shall remain a private way is missing from sheet 2 of 7 of the Plan.
  - f. Infiltration Pond 2 should be re-labelled.
  - g. Concrete flared end sections should be used at pipe outlets.
  - h. A precast tub section with a weep hole should be used for the Detention Area 2 outlet structure.
- 1.13 Section 10.1.1.6a of the Rules states that there shall be no further subdivision of the tract or lots contained within the Residential Compound Subdivision.
- 1.14 The Board granted a waiver from Section 10.1.1.2 of the Rules to allow a residential compound on two parcels in the approval of the preliminary plan (Exhibit 4).
- 1.15 The Fire Chief has recommended the addition of a fire hydrant at the entrance to the Subdivision and that the fire hydrant at the end of the road be moved.
- 1.16 The Board of Health recommends that the sewer force main that crosses under the proposed subdivision road be placed within an easement to give the owner of lot 1 full control over the proper functioning of the sewer main.
- 1.17 Parcel A will contain the septic system for Lot 1.
- 1.18 An abutter has expressed concerns about safety on Piper Road and has suggested

alternatives for the Board to consider in a letter dated 7/8/94. The drainage problems at Piper Road and Route 2 appear to be caused by drainage structures on private property and are outside of the Board's jurisdiction. The construction of a sidewalk along the subdivision's frontage on Piper Road would be a major construction project which would require land takings due to the layout of the road and would result in an isolated length of sidewalk. The entrance to the subdivision cannot be relocated to save the public shade tree because it would result in reduced sight distance.

- 1.19 The Rules require construction of sidewalks along the subdivision frontage on Piper Road and the subdivision roadway. The preliminary decision (Exhibit 4) states that the Board will consider a waiver to allow the sidewalk to be relocated to continue the partially completed sidewalk on Arlington Street. Due to the serious obstacles to construction of a sidewalk along the frontage on Piper Road, the Board will allow the sidewalk to be relocated to continue the partially completed sidewalk on Arlington Street.

## **BOARD ACTION**

Therefore, subject to and with the benefit of the following waivers, plan modifications, conditions and limitations, the Board votes to **APPROVE** the Subdivision.

## **2 WAIVERS**

In accordance with Section 10 of the Rules - Optional Residential Compound Plan, the Applicant has requested several waivers from Sections 8 and 9. The Applicant also requested a waiver from Section 10.1.1.1 of the Rules to provide access for lots A and B over MacGregor Lane. All waivers are **GRANTED** as requested. Overall, the waivers have the benefit of reducing the impact on wetlands, providing for safer access to existing houses, and minimizing the cutting of trees.

In addition, the Applicant requests a waiver from Section 9.6, the requirement for construction of a sidewalk along the subdivision frontage on Piper Road and along the subdivision roadway. The Board **GRANTS** this waiver and will allow the Applicant to construct the sidewalk as a continuation of the partially completed sidewalk on Arlington Street, as shown on the plan entitled "Proposed Sidewalk Plan, Station 52+14 to 57+68 Arlington Street, Acton, Mass." drawn by Stamski & McNary, Inc. and dated 4/28/94, revised 6/10/94. The relocation of this sidewalk when combined with sidewalk required as part of the Perkins Lane subdivision approval will provide a completed sidewalk on Arlington Street to Agawam.

## **3 PLAN MODIFICATIONS**

Prior to the endorsement of the Plan the Applicant shall cause the Plan to be revised to show the following additional, corrected, or modified information. Where approvals are required or implied from persons or boards other than the Planning Board, the Petitioner shall be responsible for providing a written copy of such approvals to the Planning Board before endorsement of the Plan.

- 3.1 Modify the Plan to add a note stating that MacGregor Way is to remain a private way.



- 3.2 Modify the Plan to show the location of the street and "private way" sign.
- 3.3 Modify the Plan in accordance with the Engineering Department's memo dated 6/30/94.
- 3.4 Modify the Plan to add a fire hydrant at the entrance to the Subdivision and move the fire hydrant at the end of the road as required by the Acton Fire Department.
- 3.5 The Plan shall be modified to add a note which states that there shall be no further subdivision of the tract or lots contained within the Subdivision.
- 3.6 The Plan shall be modified to show the sewer force main that crosses under the proposed subdivision road placed entirely within an easement to give the owner of lot 1 full control over the proper functioning of the sewer main.
- 3.7 The Applicant shall provide legal documents that will permanently tie Parcel A to Lot 1 to insure proper sewage disposal for Lot 1.
- 3.8 The name of the subdivision road shall be MacGregor Way, as recommended by the Acton Fire Chief.
- 3.9 The Applicant shall provide legal documents to secure the future access of Lots A and B to the subdivision road.

#### 4 CONDITIONS

The following conditions of this approval shall be strictly adhered to. Failure to adhere to these conditions shall be reason to rescind the subdivision approval pursuant Ch.41, S.81-W.

- 4.1 Prior to Plan endorsement, the Applicant shall submit deed restrictions acceptable to the Board or its designee as required by Section 10.1.1.5 of the Rules, agreements for the maintenance, including snow plowing, of all commonly owned improvements consistent with the Rules, Section 10.1.1.6, and legal documents to secure the future access of Lots A and B to the subdivision road. Such documents shall be recorded with the deed to each lot in the Subdivision prior to issuance of any building permits.
- 4.2 Prior to the endorsement of the Plan, the Applicant shall post a performance guarantee for the construction of the Subdivision street and appurtenant improvements. All performance guarantees shall comply with the Rules, Section 6.
- 4.4 The Plan and all work and construction performed in accordance with the Plan, shall comply with the terms of this approval and, except as waived in this Decision, with the requirements of the Subdivision Rules.

#### 5 LIMITATIONS ON APPROVAL

- 5.1 The waivers, modifications, and conditions have been stated for the purpose of emphasizing their importance, but are not intended to be all inclusive or to negate

the Rules.


- 5.2 This Decision applies only to the requested Definitive Subdivision approval and to the streets, lots, parcels and easements shown on the Plan approved hereunder. Other agreements, approvals, or permits required by law, or other governmental boards, agencies, or bodies having jurisdiction, shall not be assumed or implied by this Decision.
- 5.3 This Subdivision approval shall expire if not endorsed on the Plan within one year from the date that this decision has been filed with the Town Clerk. It shall also expire, if street construction and installation of services is not completed within eight years from the date that this decision has been filed with the Town Clerk. A request to extend said time limits must be made in writing to the Board at least 30 days prior to said expiration dates, and the Board herewith reserves its rights and powers to grant or deny such extension, and to require any appropriate changes to this approval.
- 5.4 The Board hereby reserves its right and power to modify or amend the Plan and the terms and conditions of this Decision with or without a public hearing upon the request of the Applicant or upon its own motion.

## 6 CERTIFICATE


This Document stating the Decision of the Board shall serve as the Certificate of the Board's action to be filed with the Town Clerk pursuant to M.G.L. Chapter 41, Section 81-U.

## 7 APPEALS


Appeals, if any, shall be made pursuant to Chapter 41, Section 81-BB of the General Laws or Chapter 40A, Section 17 of the General Laws, and shall be filed within twenty (20) days after the date of the filing of this Decision with the Town Clerk.

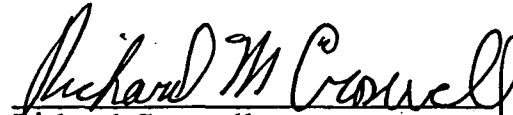
  
David Hill, Chairman

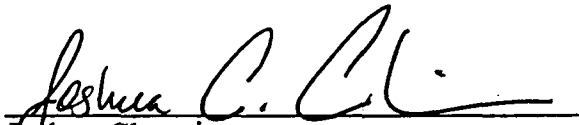
  
William H. Shupert III, V. Chairman

  
John Pavan, Clerk

\_\_\_\_\_  
Gregory Niemyski

  
James J. Lee

  
Richard Croswell

  
Joshua Chernin

This is to certify that the 20-day appeal period on this decision has passed and there have been no appeals made to this office.

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Date

Copies sent to:

Applicant - Certified Mail#  
Health Director  
Municipal Properties  
Conservation Administrator  
Fire Chief  
Historical Commission

Building Commissioner  
Engineering Administrator  
Town Clerk  
Town Manager  
Historic District Commission  
Acton Water District

dlib\*77

H.  
cc: BOS

**ACTON BOARD OF HEALTH  
MINUTES  
JUNE 27, 1994  
ROOM 204**

**MEMBERS PRESENT:** WILLIAM MCINNIS, CHAIRMAN  
JONATHAN BOSWORTH  
CORDELIA ALFARO

**STAFF PRESENT:** DOUG HALLEY, HEALTH DIRECTOR  
HEATHER MEYER, SECRETARY  
STEPHANIE CHIANG, STUDENT INTERN  
DEAN CHARTER, MUNICIPAL PROPERTIES DIR.

**OTHERS PRESENT:** DOROTHY CAMPBELL  
CLARE SISK  
BARBARA SIMS  
EVELYN OLSCHESKI  
DEBRA SIMES  
DEBBY ANDELL  
BOB GUBER  
SUE FUNK  
CHARLOTTE SAGOFF  
JEAN CERASO  
STEVE LOWE  
GLADYS HOPKINS  
MARY CRAIN PENNINGTON  
LEE WEAVER  
LISA WOO  
SALLY FINK  
BETTY DUGGAN  
PAULA BUSHKOFF  
DENISE CHIASSON  
LAURIE FUCINA  
ABIGAIL JURIST LEVY  
DAVID CHIASSON  
PAUL KELLY  
MAURICE SAGOFF  
CINDY ROBBINS  
JILL PANETTA  
MURIEL LOMBARDO  
MARY MICHEMAN

The Meeting opened at 7:35 p.m.

**Minutes:**

On a motion made by Mr. Bosworth, seconded by Ms. Alfaro, the Board unanimously voted to accept the Minutes of June 13, 1994 following corrections.

**Recreational Day Camp, 7 South Street - Variance Request(s):**

Mr. Halley explained to the Board that the Health Department has received a request from Denise Chiasson for a permit to operate a Recreational Day Camp for Children (State Sanitary Code, Chapter IV). The camp will be based at 7 South Street, Acton, MA. The Health Department has reviewed the materials submitted by Ms. Chiasson. The material submitted seems to be in order. Rose Erdozaincy, R.S., has been in contact with the State Sanitarian to ensure that Ms. Chiasson's academic coursework is acceptable in lieu of camp administration courses. Ms. Erdozaincy's findings were that she will be able to meet the criterion as camp director as set forth in section 430.101 (B).

Ms. Chiasson has scheduled a smoke detector and fire prevention inspection as per 430.215-430.216 requirements. The Health Department will require a permit application and opening inspection at 7 South Street kitchen to comply with 105 CMR 595.00 - food facility. The Department believes that a utility kitchen permit would be most appropriate for the facility.

There are, however, some variances that must be obtained from the Board of Health. First, a Variance from Section 430.360 - The existing septic system is undersized to accommodate the potential demand of the Day Camp, as required under Title 5. The second, a Variance from Section 430.370 - The operator of each recreational camp shall provide at least two toilets or privy seats for each sex. The Health Department recommended that the Board grant the Variances for the Recreational Day Camp, at 7 South St., Acton.

On a motion made by Ms. Alfaro, seconded by Mr. Bosworth, the Board unanimously voted to grant these variances with the following conditions:

1. Enrollment at the summer camp shall be consistent with the calendar submitted to the Board of Health at their meeting.
2. The Summer Camp shall comply with the Bathroom Policy submitted to the Board of Health at its meeting.
3. After the last session of the season, and prior to September 15, 1994, the septic tank shall be pumped by a licensed septage hauler and inspected by a licensed inspector, with a report submitted to the Board of Health.

**Mosquito Control Program - Public Informational Meeting:**

Mr. McInnis began the discussion by addressing the Goal of the Meeting. The goal being to develop a Board of Health policy statement regarding mosquito control. This policy would then be formally adopted by the Board of Health. It would be sent to the Board of Selectmen to aid them in formulating a mosquito control program for the Town, and would then be used by the Health Department in responding to questions from the public. It would also be used by the Health Department as guidance for interfacing with other Town Departments regarding mosquito control.

The Board of Health, at a previous meeting, had decided on a format in which to run the Public Meeting on Mosquito Control. The Board had decided that the meeting would be broken into two topics. First to discuss, "Is a Mosquito Control Program necessary to protect the public health?" Second to discuss, "Should the Town or Board of Health further regulate or restrict the implementation of a Mosquito Control Program?". At this point of the meeting, the topic of Malathion, the pesticide used in the Town's adulticiding program, would be brought up and discussed.

The Health Director, Doug Halley, gave a brief history on Acton's Mosquito Control Program from 1971 up to the present.

He stated that the Board of Health has been concerned with Eastern Equine Encephalitis, which is carried by certain Mosquitoes. In 1973, EEE was confirmed in Acton in the bird population. The program was picked up by the Municipal Properties Department in 1982 and continues to do the spraying of Malathion as a form of adulticide on mosquitoes in the Town.

Questions were asked by the public as to why the Town stopped the Larviciding Program that it once practiced. The answer to that question, given by Dean Charter, Director of Municipal Properties, was primarily budget constraints. The larviciding program was a more costly program. The adulticiding program, on the other hand, is a less costly program for the Town to keep going. When asked as to how effective the adulticiding program is, Mr. Charter stated that due to the fact that 10% of the Town of Acton is wetlands, it is pretty effective.

It was explained by Mr. Charter that each fog application requires around 10 dry, calm nights to complete, with operations beginning at dusk and ending by Midnight. Many people in the audience stated that they would like to have some kind of warning as to when the Fogging trucks would be in the neighborhood. The people want notification so that they could take some precautions (i.e. close windows, doors, bring pets inside, etc.)

Mr. Charter addressed the question by stating that the decision to fog or not is made at sunset. If it is a warm, sultry night, chances are that they will fog.

Mary Penneman, citizen of Acton, stated that she has a problem with the spraying program in that even though she has a "No Spray" sign on her property, she is still exposed to the drift of the fog from other properties that are not posted.

Charlotte Sagoff stated that the sprayings are a waste of time and money because the spray is "as light as smoke".

Mr. McInnis spoke with Mr. Charter about the justification of the Mosquito Control Program in Acton. Mr. Charter stated that the program reduces nuisance biting mosquitoes. The Town is also trying to reduce the individual use of pesticide.

Some of the people at the meeting brought up the idea that they feel that the people of Acton should have to post their property if they wanted to be sprayed with Malathion instead of the current "No Spray" posting. Mr. Charter answered that request by saying that there are 120 "No Fogs" in Town. By switching the process of posting your property, it would create an administrative nightmare. Mr. Charter concluded that there are approximately 4,000 residents in Town that do want their property sprayed. Mr. Charter added that many residents call when they are going to have a party so that they can be sprayed before the event.

At this point of the meeting, the second topic, "Should the Town or Board of Health further regulate or restrict the implementation of a Mosquito Control Program ?", was brought into the discussion. The use of Malathion is a concern to many Acton residents. Sue Funk read a fact sheet on Malathion. Some of the things that she read concerned the breakdown of Malathion to Malaoxon, which is considered to be 10,000 times more toxic than malathion. Another fact from the sheet was about how the Japanese Government has banned the use of Malathion, which was formerly used in rice fields, because of its toxicity.

Mr. McInnis prompted the question: "Is there anyone in this room tonight that is in support of Malathion as a form of Adulticiding?" There was no one in favor of the use of Malathion as a form of adulticiding.



Some of the people were in favor of not having any Mosquito Control Program at all. They felt that nature can control these mosquitoes. Certain birds and bats feed on mosquitoes, thus exterminating them without any pesticide whatsoever. Jane Ceraso read some recommendations to the Acton Board of Health on the Procedure on Notifying the Public About Malathion Spraying, which she had prepared. In this Recommendation there was a proposal that the Town develop an informational brochure on the spray program that is mailed to all residences, schools, daycare centers, commercial farms, and nursing homes. This brochure should present the facts in a balanced fashion, and include information on the chemical used, human and environmental effects, and ways to reduce exposure and minimize risk. There was also a request that the Town notify well in advance of spraying. Post, publish and advertise its estimated schedule for spraying. A phone number should be provided where people could get more up to date information on spray schedules. Included with the published spray schedule should be a list of things that people can do to reduce their exposure. Also, the Town should include clear and inclusive instructions on how one could request to be excluded from spraying, and define several places in Town where citizen's could pick up the Town's pesticide exclusion request form and a "No spray" sign. After taking some more questions on the use of malathion, Mr. McInnis prompted the Board to comment on how they feel about the issue.

Mr. Bosworth felt that the Town should not be spraying Malathion. He stated that he feels that there is no health issue with regards to mosquitoes in Acton. He stated, however, that there is a potential health risk using Malathion. He commented that the Town needs to show the benefit of spraying vs. the Malathion risk. Ms. Alfaro felt that the Town should not be spraying. She would like to see the Town take a proactive stance.

She commented that the Town should educate the public and give notice of when and where they are going to be spraying. She also suggested that the Town develop an up-to-date, factual report on the use of Malathion and Mosquito Control in Acton.

Mr. McInnis stated that there has never been a proven death from Malathion. As an organic chemist, he said that he has no concerns on Malathion usage in the Town.

The Board of Health will write a policy statement regarding the use of Malathion. The policy could include some of the following statements: There is no immediate health issue facing the Town in regards to Eastern Equine Encephalitis; If a Mosquito Control Program continues in the Town, it should be considered a nuisance abatement program; A Mosquito Control Program must justify the risk from exposure to a chemical with the benefit obtained from abating a nuisance; The Board of Health should be proactive in educating the citizens of the Town regarding pesticide and Mosquito Control and provide alternative methods of Mosquito Control; The Board of Health will continue to do research and explore the options available to the Town for Mosquito Control.

This policy will be drafted by Mr. McInnis and Mr. Bosworth. It will then be voted on at the next regularly scheduled Board of Health Meeting.

**Variance Request - 33 Windsor Avenue:**

Mr. Halley informed the Board that the Health Department has received a variance request from Mr. Dean Demaster in regards to the reconstruction of a septic system at 33 Windsor Avenue. The existing system has been inspected and was found to be in failure. The lot has been tested and the soils are excellent but, however, the lot itself is extremely small. In addition to the size of the lot, it slopes off quickly to the rear. Because of the existing slope and high groundwater

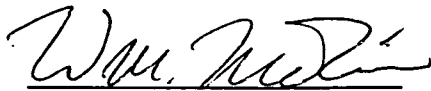
(7 1/2') the slope requirements under Title 5 - 310 CMR 15.14 Figure 1, cannot be met. In accordance with D.E.P. policy 87-1, and a D.E.P. letter to Nashoba Board of Health, the design provides the same amount of environmental protection. Mr. Halley stated that the applicant is unable to meet the regulation in any other way. Due to the location of the house and the size of the lot, the applicant cannot meet the Board of Health's minimum size standard for trench systems (800 sq. ft.). However, 787.5 sq. ft. were provided, which by the Board's percolation standards would be able to handle more than 450 gallons per day. The existing home is a three bedroom home with an expected discharge of 330 gallons per day. The Health Department recommended approval of the variance request for 33 Windsor Avenue.

On a motion made by Mr. Bosworth, seconded by Ms. Alfaro, the Board unanimously voted to grant the variance request for 33 Windsor Avenue with the condition that the system be built in accordance with a plan stamped by Brad Leach, R.S., dated June 15, 1994.

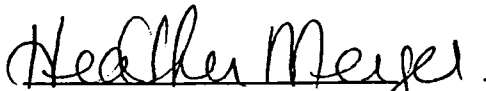
Before adjourning the meeting, the Board of Health acknowledged and thanked one of the members, Cordelia Alfaro, as this was to be her last meeting on the Board of Health.

On a motion made by Mr. Alfaro, seconded by Mr. Bosworth, the Board unanimously voted to adjourn the meeting at 10:40 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Wm. McInnis".

William McInnis, Chairman  
Acton Board of Health

A handwritten signature in black ink, appearing to read "Heather Meyer".

Heather Meyer, Secretary  
Acton Board of Health

TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATION  
TOWN MANAGER'S OFFICE

8/5/94 CC: N. LAKE - NO NEWS...  
PER OUR DISCUSSION  
OF 8/3 ±.

cc: BOS

\*\*\*\*\*

DATE: June 13, 1994

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: Nextel Communications

CELLULAR PHONE  
SERVICE/TOWER.

Garry Rhodes has forwarded the attached package of communications from Nextel for direction as to how to proceed. I have spoken to Garry and we both agree that we are uncomfortable with the content of the fourth paragraph of Mr. Ozy's June 6 letter. By copy of this memo to Garry, I am confirming my instructions for him to inform Mr. Ozy that any negotiations, if they take place, will be at the Board level (either Board of Selectmen or Board of Appeals).

Please advise me if you wish us to follow another course of action.

8/19/94  
cc: Garry Rhodes

8/1/94  
GARRY -  
ANY NEWS?

Don 8/5/94  
no News  
JAR



cc: BOS

## Acton Board Of Health

Doug Halley  
Health Director

472 Main Street  
Acton, MA 01720

Telephone 508-264-9634  
Fax 508-264-9635

### PRESS RELEASE

The Town of Acton, in order to address requests from some of its citizens, has determined to expand the public notification of the Mosquito Control Program beyond the requirements of the State of Massachusetts. As of August 1 the local cable community bulletin board on Channel 61, will be notified on a daily basis regarding the progress of the mosquito fogging being conducted by the Town. All future fogging will be conducted on a voting precinct basis.

Each night the fog operators will plot their applications according to the voting precinct map. Each precinct will take approximately two nights to complete. As an example the Town recently completed the second round of fogging and began the first night of the third round by fogging precinct 3 south of Massachusetts Avenue. On August 2, Precinct 3 north of Massachusetts Avenue is planned to be fogged, and perhaps the west portion of Precinct 4.

Each round will start in the extreme southwestern corner of the town and work towards the east and north. Precinct 3 will be followed by 4, then 5, then 2 and finally 1. Fogging will occur only on Monday to Friday nights, starting around sunset and continuing until midnight. Weather conditions must be calm and dry (not raining). The schedule will be varied for outdoor functions such as the Town Fair or Graduation.

Should there be any question regarding what precinct citizens may be in they should contact the Town Clerk's office at 264-9615. Any questions regarding the notification process please contact Doug Halley at the Acton Health Department at 264-9634.

cc: ✓ Town Manager  
BOS

CC: BOS - TRANS. LTR. ONLY  
FULL REPORT IN RF/RETAIN



environmental engineers, scientists,  
planners, & management consultants

CAMP DRESSER & MCKEE INC.

Ten Cambridge Center  
Cambridge, Massachusetts 02142-1403  
617 252-8000

July 29, 1994

Ms. Lynne Jennings  
U.S. Environmental Protection Agency  
Waste Management Division  
Region I  
90 Canal Street  
Boston, Massachusetts 02114

Mr. Edmond G. Benoit  
Regional Engineer  
Bureau of Waste Cleanup  
Massachusetts Department of  
Environmental Protection  
75 Grove Street  
Worcester, Massachusetts 01605

Subject: W.R. Grace, Acton, Massachusetts

Dear Ms. Jennings and Mr. Benoit:

On behalf of W.R. Grace, Camp Dresser & McKee Inc. (CDM) hereby submits the Quarterly Monitoring Report - First Quarter 1994. In the First Quarter 1994 Report, we have included our usual in-depth analyses of the data, following our established format. The Second Quarter 1994 Report will follow the new format of data collection and analysis, as discussed in our 6/10/94 meeting.

Please call if you have any questions.

Very truly yours,

CAMP DRESSER & MCKEE INC.

Bruce R. Conklin, P.E.  
Vice President

BRC:paa

Encs.

798-138-RT-REPT

DISTRIBUTION: Lynne Jennings (4); Edmond Benoit (3)

cc D. Halley, Acton (3)	C. Tuttle, DEP Boston (2)
L. Ingram, Grace (1)	S. Anderson (1)
M. Johns, Grace (1)	H. Fox, Sierra Club (1)
T. Stoneman, Canonie (1)	C. Myette, Wehran-MDEP (1)
J. Swallow, Pine & Swallow (1)	R. Eisengrein, ACES Tag Mgr. (1)
M. Moore, Concord Board of Health (1)	W. Pencola, ENSEARCH Env. Corp. (2)
W. Cheeseman, FHE (1)	M. Stoler, Grace (1)
D. Johnson, Acton (1)	J. Okun, O'Reilly & Talbot, Inc. (1)
D. DeStefano, GZA (1)	R. Sullivan, GZA (1)



July 29, 1994

Board of Selectmen  
Acton Town Hall  
Main Street  
Acton, MA 01720

Dear Sirs:

On behalf of the Walden Unit of the American Cancer Society, I would like to express my sincere appreciation for the donation of your men in blue to our Jail and Bail fundraiser. The event was a great success and a great deal of fun. Over the course of our 2-day event, we raised over \$10,000 for cancer research, education and patient service programs.

Thanks to your fine men in blue, we were able to reward our participants and volunteers with authentic looking arrests. This whimsical way of raising money needs the real touch. This service provided by your fine men allowed us to raise our needed funds for cancer research. Detectives Todd Fenniman, Pat Rolman and Michael Ulrich are outstanding representatives of your police department. They are professional, helpful and we could not have raised over \$10,000 without their help. Please let them know the American Cancer Society is proud and honored to work with them.

We appreciate your generosity and dedicated effort to join the fight against cancer. We hope that we may call upon your generosity again next year. Until then, if we can be of any assistance to you and your employees in terms of providing health information or services, please do not hesitate to call us at 508-481-1622.

Appreciatively,

*Sue Macdonald*  
Sue Macdonald, Unit Director  
Walden Unit

cc: POLICE CHIEF -  
JOB WELL DONE! PLEASE  
EXTEND MY APPRECIATION TO  
YOUR OFFICERS.

cc: BOS

**AMERICAN  
CANCER  
SOCIETY**

488 Boston Post Road  
Marlborough, MA 01752  
(508) 481-1622 or 875-3414



TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATION  
TOWN MANAGER'S OFFICE

\*\*\*\*\*

DATE: August 1, 1994

TO: Board of Selectmen  
FROM: Don P. Johnson, Town Manager  
SUBJECT: MAPC Minutes

Attached please find copies of MAPC Minutes for the past 3 years, as requested by members of the Board.

A handwritten signature in black ink, appearing to read "Don", is positioned below the main text of the communication.



# Metropolitan Area Planning Council

60 Temple Place, Boston, Massachusetts 02111 617/451-2770 Fax 617/482-7185

*Serving 101 cities and towns in metropolitan Boston*

July 29, 1994

TO: Christine Joyce, Administrative Assistant  
FR: Lois A. Baxter, Executive Assistant  
RE: Council Minutes

Per your request, enclosed please find copies of the Council's minutes for the past three years. The minutes for the meeting of May 25, 1994 have not been completed or approved yet for distribution.

If I can be of further assistance, please do not hesitate to contact me.

Enclosure

Minutes of the Fall Meeting of the  
METROPOLITAN AREA PLANNING COUNCIL  
October 23, 1991

The Fall Meeting of the Metropolitan Area Planning Council was held at the Sheraton Tara in Braintree, Massachusetts on Wednesday, October 23, 1991.

**OFFICERS:** Franklin G. Ching, President; Marjorie A. Davis, Vice President; Jay J. Donovan, Treasurer; Martha K. Gjestebly, Secretary.

**TOWNS:** Present: Donald Gilberti, Acton; Alan McClennen, Arlington; Richard Joly, Bedford; Louis Mercuri, Belmont; Carol Richmond, Braintree; John Woodward, Brookline; Frank Baxter, Burlington; George Jenkins, Canton; Lois Surgenor, Carlisle; Martha Gjestebly, Cohasset; Leland Wood, Corcord; Keith Ratner, Danvers; Menno Koning, Dover; John Sheehan, Foxborough; Diann Shea, Framingham; Phillipe Plageman, Hanover; Marg Shultz, Hingham; Richard Gelpke, Hudson; Alan Tubman, Hull; Joseph Marino, Lexington; William Constable, Lincoln; Carol Bibbins, Littleton; Frank Kelly, Marshfield; Robert Conroy, Medway; William Reilly, Milton; Elizabeth Bransfield, Natick; Rebecca Freed, Norwell; Bernard Cooper, Norwood; Antonie Nasr, Randolph; Joseph Kellogg, Rockland; George Bailey, Sharon; Charles Gaffney, Southborough; Daniel Pessia, Stoughton; Richard Besson, Swampscott; Allen Burdett-Thomas, Topsfield; Robert Brown, Weston; Robert Lang, Weymouth; Jay Donovan, Wilmington; Lawrence Brennan, Winchester; Warren Schaier, Wrentham.

Absent: Ashland; Bellingham; Bolton; Boxborough; Danvers; Dedham; Dover; Duxbury; Essex; Hamilton; Holbrook; Holliston; Hopkinton; Ipswich; Lynnfield; Manchester; Marblehead; Maynard; Medfield; Middleton; Milford; Millis; Nahant; Needham; Norfolk; N. Reading; Pembroke; Rockport; Saugus; Scituate; Sherborn; Stoneham; Stow; Sudbury; Wakefield; Walpole; Wayland; Wellesley; Westwood; Winthrop.

**CITIES:** Present: Andy McClurg, Boston; Richard Easler, Cambridge; Wolfgang Bauer, Franklin; Glenn Gibbs, Gloucester; James Miller, Newton; Donald Borchelt, Somerville; Ronald Vokey, Waltham; Mark Boyle, Watertown; John Cashell, Woburn.

Absent: Beverly; Chelsea; Everett; Lynn; Malden; Marlborough; Medford; Melrose; Peabody; Quincy; Revere; Salem.

**GUBERNATORIAL** Present: Carl Corey; Michael Cunningham; Anne Fanton; Marvin Gilmore; Alan Johnson; Sherry Penney; Richard Walker; James Watson.

Absent: Naithan Allen; Senator Barrett; Mary Lou Batt; Joseph Brevard; Charles Eliot; Augusto Grace; Meba Hamilton; Syvalia Hyman; Richard Peters; Jose Rivera; Stanely Siegel; Pamela Wolf.

Emerald Necklace, the Blue Hill Reservation and the Bay Circuit were noted as open space accomplishments, Mr. Brown also spoke about critical environmental lands that are not totally protected (e.g., farmland); urban sprawl; and the need to save barrier beaches and major wetlands.

Reportedly, MAPC's land resource protection plan would identify and map, on a subregional and regional level, areas in need of protection and recommend ways to protect them; develop implementation guidelines; and seek endorsement by the communities, state agencies and the private sector.

Preserving open space for environmental protection and recreational needs and creating a network of land resource protection areas to shape the growth of the region were noted as the goals of the plan.

Mr. Easler, Chairman of the Transportation Policy Committee spoke about the Committee's work in reviewing and commenting on the UPWP, the FY'91 and FY'92 TIP(s) and the Clean Air Act Conformity Amendments. Referring to the Strategic Metropolitan Transportation System document, Mr. Easler also spoke about new federal legislation that will diminish the amount of highway miles eligible for funding.

Future road maintenance funding requirements; the cost effectiveness of pavement management; and the impact Concentrated Development Centers will have on the transit system in moving people not vehicles was noted.

Mr. Easler closed with remarks urging local level action against the MBTA Board of Director's mandate that \$ 45M be cut from the new budget. He feared that debt services would be the first to go with a cut of this magnitude (\$ 29M less than the current operating budget) and felt that such action would be devastating to the region.

This concluded the presentation on the three major MetroPlan 2000 elements. There were brief comments after which Mr. Ching introduced Steven Landau who reviewed CIP (Capital Improvement Program) activities. Before turning the floor to Steven, Mr. Ching noted the many hours of Executive Committee review and revision resulting in the CIP proposal for the prioritization of infrastructure investments in the region. The CIP would be presented in February for final adoption.

Mr. Landau noted that the TIP for transportation (as well as the CLF/MOU and the CA/THT EIR) and the Bureau of Municipal Facilities for sewer projects were used as the data sources in developing the transportation and sewer components of the CIP. Because housing and land resources data is not as readily available and required more research, it was noted that the CIP would proceed with transportation and sewer projects.

In an effort to identify projects that support MetroPlan 2000, the CIP proposed two project categories (those that maintain or rehabilitate and those that extend or expand). Sorting projects by planning area densities as defined by MetroPlan 2000, thereby supporting concentrated development; setting priorities for new capacity/services based on criteria from the action recommendations; and seeking input from the local communities and subregions were some of the other CIP proposals.

sprawl that exist when an area is on its way to becoming a city, and the need to make sound infrastructure investment decisions was also noted.

Remarks by subregions that have not yet responded to the call for CDCs included Ms. Koval's comments about size, financial and geographical constraints that communities face; and Mr. Gilberti's remarks on the number of regional centers that already surround and serve MAGIC communities. Other issues raised included fear by communities already leaden with development, that they will get more; and the need for a center that is lower in density than the suburban rural category.

The meeting adjourned for dinner and reconvened at 7:15 p.m with a presentation by Doug Carnahan on current and future products and services of the data center. Mr. Ching reviewed answers to the housing pop quiz and called the business meeting to order at 7:30 p.m.

Minor corrections were made to the minutes of May 22, 1991 and a motion to accept the minutes was placed, duly seconded and,

**IT WAS VOTED:**

That the Metropolitan Area Planning Council accepts as the minutes of May 22, 1991 as corrected.

**Report of the President**

The President's activities since the last meeting included participation in the major metropolitan conference held at the Kennedy School in July to discuss governance and other issues facing large metropolitan areas and the New England Regional Planning Agencies conference in Westbrook Ct. in September. Mr. Ching's election to the NARC Region One board, his attendance in the upcoming NARC Tampa meeting and MAPC's bid for the 1994 NARC annual conference was also noted. Mr. Soule's participation in the national meeting of executive directors in Oregon and MAPC's continued participation in the Challenge to Leadership were also announced.

Mr. Ching also updated the membership on PMT revision efforts; SIP activities and MAPC's push for greater involvement by local elected officials.

Expanded roles for the Finance Committee in setting up an in-house payroll system; MPO discussions surrounding the new Clean Air Act and the Surface Transportation Act; the formulation of a personnel committee to review policies; and an expanded role for the project review committee with the newly formed joint services committee was announced. Joint services chair, Marjorie Davis updated the membership on the committee's efforts to date. She looked forward to a forum on purchasing services and perhaps the production of a training video for small communities.

The report closed with announcements of MAPC's pavement management work with the city of Chelsea, the upcoming Executive Committee Retreat and MAPC's work with the Cape Cod Commission on the MWRA Outfall pipe.

There being no questions on the report of the Chairman, a motion was placed by Mr. Corey and seconded by Mr. Faramelli and,

any note or notes issued for less than one year in accordance with M.G.L. Chapter 44, Section 17.

New Business

Ms. Freed, Mr. Plageman and others spoke out against the MBTA's \$45M budget cut. It was felt that the cut would reduce service and thereby ridership, reduce maintenance of existing service and expansion services (i.e., the Old Colony Commuter Rail) and ultimately drive the region further away from meeting the clean air act requirements.

After much discussion a motion was placed by Mr. Plageman and duly seconded and with one abstention by Mr. Sloane,

IT WAS VOTED:

That the Metropolitan Area Planning Council hereby opposes the \$45M budget cut proposed by the MBTA Board of Directors and that the Metropolitan Area Planning Council hereby directs its President, Franklin G. Ching, to forward this position to the MBTA Board of Directors.

There being no further business the meeting adjourned at 7:52.

Respectfully submitted,

Martha K. Gjestebj  
Secretary

Minutes of the Winter Meeting of the  
METROPOLITAN AREA PLANNING COUNCIL  
February 26, 1992  
Boston Museum of Science

The Winter meeting of the Metropolitan Area Planning Council was held at the Boston Museum of Science on Wednesday, February 26, 1992.

**OFFICERS:** Franklin G. Ching, President; Marjorie A. Davis, Vice President; Jay J. Donovan, Treasurer; Martha K. Gjestebj, Secretary Edmund Tarallo; Assistant Treasurer.

**TOWNS:** Present: Alan McClennen, Arlington; Richard Joly, Bedford; Lois Mercuri, Belmont; John Woodward, Brookline; Frank Baxter, Burlington; Lois Surgenor, Carlisle; Leland Wood, Concord; Keith Ratner, Danvers; Menno Koning, Dover; Dianne Shea, Framingham; Philippe Plageman, Hanover; John Culhane and Joanne Koval, Holbrook; Richard Brown, Holliston; Richard Gelpke, Hudson; Jim Linville, Hull; Thomas Mayo, Ipswich; Joseph Marino, Lexington; Carol Bibbins, Littleton; John Allen, Manchester; Frank Kelly, Marshfield; William Reilly, Milton; Elizabeth Bransfield, Natick; Brian Wood, N. Reading; Stephen Costello, Norwood; Antoine Nasr, Randolph; Mark Favoloro and Jonathan Edwards, Reading; George Bailey, Sharon; Richard MacDonald, Saugus; Grace Shepard, Sherborn; Charles Gaffney, Southborough; Daniel Pessia, Stoughton; Donna Jacobs, Stow; Richard Bessom, Swampscott; Allen Burdett-Thomas, Topsfield; Leyana Kafalas, Wayland; Robert Murphy and Gail Oliva, Wellesley; Warren Schaier, Wrentham.

Absent: Acton; Ashland; Bellingham; Bolton; Buxborough; Braintree; Canton; Dedham; Duxbury; Essex; Foxborough; Hamilton; Hingham; Hopkinton; Lincoln; Lynnfield; Marblehead; Maynard; Medfield; Medway; Middleton; Milford; Millis; Nahant; Needham; Norfolk; Norwell; Norwood; Pembroke; Rockland; Rockport; Scituate; Stoneham; Sudbury; Wakefield; Walpole; Westwood; Weymouth; Winchester; Winthrop.

**CITIES:** Present: Richard Easler, Cambridge; Anthony LaRusso, Everett; Wolfgang Bauer, Franklin; Glenn Gibbs, Gloucester; Lauren DiLorenzo Popp, Medford; James Miller, Newton; Donald Borchelt, Somerville; Ronald Vokey, Waltham.

Absent: Beverly; Boston; Chelsea; Lynn; Marlborough; Peabody; Quincy; Revere; Salem; Watertown; Woburn.

**GUBERNATORIALS:** Present: Marylou Batt; Carl Corey; Michael Cunningham; Anne Fanton; Marvin Gilmore; Alan Johnson; Grace McManus; James Watson.

Absent: Naithan Allen; Michael Barrett; Joseph Brevard; Charles Eliot; Augusto Grace; Melba Hamilton; Syvalia Hyman; Jose Rivera; Stanley Siegel; Richard Walker; Pamela Wolfe.

and the challenges that lie ahead in meeting the Clean Air Act requirements, (15% pollution reduction by 1996 and an additional 3% a year until compliance). In light of the 3% increase in vehicle miles traveled per year; and the small reduction in hydrocarbons (1.67%) and carbon monoxide (2.13%) identified in the Transportation Improvement Program (TIP), Mr. Easler feared a short-fall.

#### Concentrated Development Centers

Keith Ratner (Chairman) reviewed the CDC (Concentrated Development Center) committee's activities toward evaluation and designation of CDCs. Of the 45 proposals received to date, 18 met all criteria in the preliminary review. Reportedly, letters would go out acknowledging first cut success, requesting further information, or recommending changes toward re-submission.

Next steps include intensive staff reviews, site visits, meeting with local planning boards and staffs, evaluating infrastructure needs and finally CDC designation, marked by a Memorandum of Agreement between the communities, MAPC and the relevant state agencies.

Other CDC proposals included the Inner Core's recommendation to include the area adjacent to Logan Airport; the town of Sudbury's proposal to designate the Route 20 area; the town of Hull's proposal to include its urban renewal area; and the Water Policy Committee's proposal recommending that CDC locations avoid sensitive environmental resources and areas included in the Land Resources Protection Plan.

Non-CDC amendments included the Inner Core's proposal to change the urban area definition to reflect transit readiness; and the staff proposal to rename to the plan, MetroPlan. All of the above proposals were introduced into the review process toward action at the May meeting of the Council.

#### Capital Investment Program

Noting the importance of coordination and cooperation with the implementing agencies, Mr. Ching recommended postponing action on the Capital Investment Program to allow time for implementing agency review.

Bill Steffens, the new Director of the Bureau of Transportation Planning and Development of the Mass Highway Department indicated the need to work as a partner with the regional planning agencies through a process toward priorities that everyone can agree to. He noted partnership opportunities offered by the Intermodal Surface Transportation Efficiency Act and indicated that proposals to the regional planning agencies, a state-wide TIP in consultation with the MPOs; and discussions with RPA directors and program managers would be forthcoming. He noted that postponing action to allow time for more critical review of the CIP.

Mr. Soule felt the administration's direct involvement in programming projects was a very positive and constructive step forward.

The group adjourned for dinner and reconvened for the business meeting at 7:00.

A motion to accept the minutes of the October 23, 1991 meeting was placed by Mr. Easler and seconded by Mr. Webb and,

IT WAS VOTED:



Policy Committee Reports

There being no questions or comments, a motion was placed by Mr. Donovan and seconded by Mr. Easler, and

IT WAS VOTED:

That the Metropolitan Area Planning Council accepts the report of the Transportation, Land Resources, Economic Development and Housing Policy Committees as printed.

Assessment Increase

Mr. Ching noted that the vote was open to cities and towns only. There being no questions, a motion was placed by Mr. Baxter, and seconded Easler, and by majority,

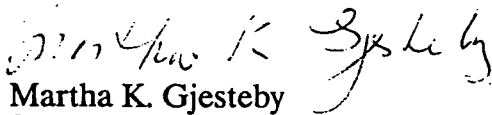
IT WAS VOTED:

That the Metropolitan Area Planing Council, upon the recommendation of the Executive Committee and the Finance Committee, hereby increases the Council's annual assessment on member cities and towns to \$.2074 per capita for the Fiscal Year 1993, yielding \$606,110 when levied against the region's population according to census figures supplied by the Massachusetts Department of Revenue.

The communities of Somerville, Hull, Wellesley and Framingham asked that their vote against the assessment increase be so noted in the record.

The meeting closed with remarks by Senator Havern on behalf of Speaker Flaherty. Senator Havern's comments were from the legislative perspective and spoke to the need for coordination and cooperation by all in the major transportation projects that lie ahead. The meeting adjourned at 8:00 p.m.

Respectfully submitted,



Martha K. Gjesteb  
Secretary

Minutes of the Annual Meeting of the  
METROPOLITAN AREA PLANNING COUNCIL  
May 27, 1992

The Annual Meeting of the Metropolitan Area Planning Council was held at the Radisson Inn in Marlborough on Wednesday, May 27, 1992.

**OFFICERS:** Franklin G. Ching, President; Marjorie A. Davis, Vice President; Jay J. Donovan, Treasurer; Martha K. Gjesteb, Secretary; Edmund Tarallo, Assistant Treasurer.

**TOWNS:** Present: Donald Gilberti, Acton; Alan McClennen, Arlington; Richard Joly, Bedford; Louis Mercuri, Belmont; John Mentzer, Bolton; John Woodward, Brookline; Frank Baxter, Burlington; Lois Surgenor, Carlisle; Leland Wood, Concord; Patricia Profetta, Dedham; Dianne Shea, Framingham; Phillippe Plageman, Hanover; Richard Brown, Holliston; Richard Gelpke, Hudson; Jim Linville, Hull; Joseph Marino, Lexington; William Constable, Lincoln; Carol Bibbins, Littleton; Elizabeth Bransfield, Natick; Brian Wood, N. Reading; Steve Costello, Norwood; Antoine Nasr, Randolph; Mark Favoloro, Reading; Joseph Kellogg, Rockland; George Bailey, Sharon; Grace Shepard, Sherborn; Charles Gaffney, Southborough; Carmen Bain, Stoneham; Donna Jacobs, Stow; Ursula Lyons, Sudbury; Richard Bessom, Swampscott; Leyana Kafalas, Wayland; Robert Murphy, Wellesley; Robert Brown, Weston; Robert Lang, Weymouth; Warren Schailer, Wrentham.

Absent: Ashland; Bellingham; Boxborough; Braintree; Canton; Danvers; Dover; Duxbury; Essex; Foxborough; Hamilton; Hingham; Holbrook; Hopkinton; Ipswich; Lynnfield; Manchester; Marblehead; Marshfield; Maynard; Medfield; Medway; Middleton; Milford; Millis; Milton; Nahant; Needham; Norfolk; Norwell; Norwood; Pembroke; Rockport; Saugus; Scituate; Stoughton; Topsfield; Wakefield; Walpole; Westwood; Winchester; Winthrop.

**CITIES:** Present: Richard Easler, Cambridge; Wolfgang Bauer, Franklin; David Parry, Marlborough; Lauren DiLorenzo Popp, Medford; James Miller, Newton; Donald Borchelt, Somerville.

Absent: Beverly; Boston; Chelsea; Everett; Gloucester; Lynn; Peabody; Quincy; Revere; Salem; Waltham; Watertown; Woburn.

**GUBERNATORIALS:** Present: Marylou Batt; Carl Corey; Marvin Gilmore; Alan Johnson; Stanley Siegel; James Watson.

Absent: Senator Barrett; Joseph Brevard; Michael Cunningham; Charles Eliot; Augusto Grace; Melba Hamilton;

A motion to adopt the three elements of the plan was placed and duly seconded. In response to Mr. Eliot's written comments, Mr. Brown noted the Land Resource Committee's intent to include all Bay Circuit proposals in the open space map. There were a number of other comments after which, action was taken and,

**IT WAS VOTED:**

That the Metropolitan Area Planning Council hereby adopts the text of the Housing, Transportation and Land Resources elements of MetroPlan 2000 dated May 27, 1992.

A motion to approve amendments proposed at the February 26, 1992 Council meeting was placed, duly seconded and,

**IT WAS VOTED:**

That the Metropolitan Area Planning Council hereby adopts amendments to the plan document dated February 26, 1992 as outlined in the May 20, 1992 summary of MetroPlan 2000 actions.

A motion to defer action on the Urban Area boundary amendment was placed, duly seconded and,

**IT WAS VOTED:**

That the Metropolitan Area Planning Council hereby defers action on the urban area boundary amendment until the October meeting of the Council.

A motion to defer action on the Capital Investment Program was placed, duly seconded and,

**IT WAS VOTED:**

That the Metropolitan Area Planning Council hereby defers action on the Capital Investment Program until the October meeting of the Council; and that the Metropolitan Area Planning Council hereby directs staff to work with the transportation agencies to reach consensus on the implementation of the Capital Investment Program.

A motion to defer action on the action recommendations contained in the Housing, Land Resources and Transportation elements; and the Strategic Metropolitan Transportation System was placed, duly seconded and,

**IT WAS VOTED:**

That the Metropolitan Area Planning Council hereby defers action on the action recommendations contained in the Housing, Land Resources and Transportation elements of MetroPlan 2000; and the Strategic Metropolitan Transportation System, until the October meeting of the Council.

A motion to accept minor housekeeping amendments, including the proposed MetroPlan 2000 name change was placed and duly seconded. As there were a

After a brief comment period Joint Services, Data Center, Pavement Management and TIP (Transportation Improvement Program) status reports were presented.

Vice President, Marjorie Davis reported on a number of meetings with town and regional administrators to explore cooperation ventures. Collaborative efforts with the State Committee on E911, the MMA on joint service purchasing initiatives, and the recent Law Lecture Series were also noted.

Doug Carnahan made favorable remarks on the proceedings and attendance at the MAPC sponsored Boston Area Census Users Conference. He noted that Data Center marketing materials include a brochure, pricing list, and *Data Express* – a newsletter. Recent Data Center products include 1990 census tract boundary maps.

Barbara Clark overviewed the pavement management program opportunities and initiatives. Road inventories and pavement condition reports were some of the benefits communities reportedly reap from participation.

Mr. Soule reviewed the impacts of the TIP change from a five-year to a three-year program (i.e., 40% of the projects scheduled for funding in the 1992 TIP, would not be available for funding on the official list, unless the MPO agencies agreed to include them).

Projects recommended for inclusion in the three-year element; projects to be deferred for future lists; and a comprehensive index of projects had been compiled for membership review. As well, an MAPC sponsored meeting had been scheduled for June 9th to review and comment on the process.

Mr. Ching recognized MDC Commissioner Bhatti who made brief comments thanking the Council for helping the MDC in their strategic planning process. All were invited to attend upcoming reopening ceremonies for the Revere Beech Reconstruction Project.

The annual awards presentation followed. Longstanding representative award recipients included: Marvin Gilmore (gubernatorial); Stanley Siegel (gubernatorial); Richard Easler (Cambridge); Robert Murphy (Wellesley); Robert Lang (Weymouth); Warren Schaier (Wrentham), and Bernard Cooper (Norwood).

Senator Durand and Marlborough Mayor Michael Hogan addressed the Council during the supper hour. Senator Durand updated the membership on legislative initiatives and Mayor Hogan's remarks focused on regionalization and privatization and on the need for cooperation amongst communities in the delivery of services.

#### Approval of the Minutes of February 26, 1992

A motion was placed, duly seconded and,

IT WAS VOTED:

That the Metropolitan Area Planning Council accepts the minutes of February 26, 1992 as printed.

#### Report of the President

That the Metropolitan Area Planning Council, upon the recommendation of the Executive Committee hereby approves the priorities of the Overall Economic Development Program as outlined in the May 20, 1992 memorandum to the Metropolitan Area Planning Council.

Fiscal Year 1993 Work Program & Budget

Mr. Soule noted a 3.5% decrease in the budget from the current year operation.

As the "Framework for the Future" section of the Work Program included policy issues currently under review by the Executive Committee, Mr. Brown suggested that adoption action exclude this section.

The motion was placed Mr. Faramelli and seconded by Mr. Brown and,

**IT WAS VOTED:**

That the Metropolitan Area Planning Council, upon the recommendation of the Executive Committee, the Finance Committee and the Executive Director, and excluding the section entitled "Framework for the Future" hereby endorses the Fiscal Year 1993 Work Program and Budget.

Report of the Nominating Committee

Mr. McClennen summarized Nominating Committee proceedings and announced the nomination of Marjorie A. Davis to the office of President; Edmund Tarallo to the office of Vice President; Mary Lou Batt to the office of Treasurer; and Richard Easler to the office of Secretary.

There being no nominations from the floor for the office of President, a motion to close nominations was placed by Mr. Gilmore, duly seconded and carried unanimously.

There being no nominations from the floor for the office of Vice President, a motion to close nominations was placed, duly seconded and carried unanimously.

There being no nominations from the floor for the office of Treasurer, a motion to close nominations was placed, duly seconded and carried unanimously.

There being no nominations from the floor for the office of Secretary, a motion to close nominations was placed, duly seconded and carried unanimously.

Ms. Gjestebj placed a motion directing the recording secretary to cast one ballot for the Fiscal 1993 slate of officers as presented by the Nominating Committee. The motion was duly seconded and,

**IT WAS VOTED:**

That the Recording Secretary of the Metropolitan Area Planning Council cast one ballot unanimously electing the following slate of officers for the period of one year ending at the Annual Meeting of the Metropolitan Area Planning Council in May 1993:

Gubernatorial caucus nominees included: Marvin Gilmore; Carl Corey; Alan Johnson; Jim Watson; Ted Siegel. There being no nominations from the floor a motion to close nominations was placed, duly seconded and carried unanimously. A motion directing the secretary to cast one ballot for the slate as presented by the gubernatorial caucus was placed, duly seconded and,

**IT WAS VOTED:**

That the Secretary of the Metropolitan Area Planning Council cast one ballot unanimously electing the following slate as presented by the gubernatorial caucus to the Executive Committee for a period of one year, ending at the Annual Meeting of the Metropolitan Area Planning Council in May 1993.

Marvin Gilmore  
Carl Corey  
Alan Johnson  
Jim Watson  
Ted Siegel

Ex-Officio caucus nominees included the Boston Redevelopment Authority; Metropolitan District Commission; Massport; MBTA and the Mass Highway Department. There being no nominations from the floor a motion to close nominations was placed, duly seconded and passed unanimously. A motion directing the secretary to cast one ballot for the slate as presented by the ex-officio caucus was placed, duly seconded and,

**IT WAS VOTED:**

That the Secretary of the Metropolitan Area Planning Council cast one ballot unanimously electing the following slate as presented by the ex-officio caucus to the Executive Committee for a period of one year, ending at the Annual Meeting of the Metropolitan Area Planning Council in May 1993:

Boston Redevelopment Authority  
Metropolitan District Commission  
Massport  
MBTA  
Mass Highway Department

There being no further business, the meeting was declared adjourned at 8:45 p.m.

Respectfully submitted

Martha K. Gjestebj  
Secretary

Minutes of the Fall Council Meeting of the  
METROPOLITAN AREA PLANNING COUNCIL  
October 28, 1992

The Fall Meeting of the Metropolitan Area Planning Council was held at the Burlington Marriott on Wednesday, October 28, 1992.

OFFICERS: Marjorie A. Davis, President; Edmund P. Tarallo, Vice President; Marylou Batt, Treasurer; Richard A. Easler, Secretary.

TOWNS: Present: Donald Gilberti, Acton; Alan McClennen, Arlington; Richard Joly, Bedford; Bryan Stevens, Braintree; John Woodward, Brookline; Frank Baxter, Burlington; Lois Surgenor, Carlisle; Martha Gjestebj, Cohasset; Leland Wood, Concord; Keith Ratner, Danvers; Menno Koning, Dover; Dianne Shea, Framingham; Philippe Plageman, Hanover; Edna English, Hingham; John Culhane, Holbrook; Joseph Marino, Lexington; William Constable, Lincoln; Carol Bibbins, Littleton; John Allen, Manchester; James Bishop, Marblehead; Monica Mehigan, Maynard; Martha White, Milford; Meriel Hardin, Millis; William A. Reilly, Milton; Elizabeth Bransfield, Natick; Bernard Cooper, Norwood; Jonathan Edward, Reading; Joseph Kellogg, Rockland; Nicola Barletta, Rockport; Richard MacDonald, Saugus; George Bailey, Sharon; Geraldine Cooke, Sherborn; Charles Gaffney, Southborough; Donna Jacobs, Stow; Ursula Lyons, Sudbury; Richard Bessom, Swampscott; Allen Burdett-Thomas, Topsfield; Leyana Kafalas, Wayland; Robert Murphy, Wellesley; Robert Lang, Weymouth; Jay Donovan, Wilmington; Warren Schaier, Wrentham.

Absent: Ashland; Bellingham; Belmont; Bolton; Boxborough; Canton; Dedham; Duxbury; Essex; Foxborough; Hamilton; Holliston; Hopkinton; Hudson; Hull; Ipswich; Lynnfield; Marshfield; Medfield; Medway; Middleton; Nahant; Needham; Norfolk; North Reading; Norwell; Pembroke; Randolph; Scituate; Stoneham; Stoughton; Wakefield; Walpole; Weston; Westwood; Winchester; Winthrop.

CITIES: Present: Norman MacNeil, Franklin; David Parry, Marlborough; James Miller, Newton; Donald Borchelt, Somerville; Ronald Vokey, Waltham; John Cashell, Woburn.

Absent: Beverly; Boston; Chelsea; Everett; Gloucester; Lynn; Medford; Melrose; Peabody; Quincy; Revere; Salem; Watertown.

GUBERNATORIALS: Present: Franklin Ching; Carl Corey; Michael Cunningham; Marvin Gilmore; Richard Walker; James Watson.

IT WAS VOTED:

That the Metropolitan Area Planning Council adopts the Capital Investment Program.

MetroPlan 2000

A motion was made to adopt three additional amendments to MetroPlan: CDC Criteria, Land Resources Action Recommendations, and the Urban Area Boundary.

Frank Baxter moved to amend the amendment on Urban Area Boundary to include both the previous definition and the proposed new definition. After a brief discussion, a motion was placed and duly seconded and,

IT WAS VOTED:

That the Metropolitan Area Planning Council amends the Urban Boundary definition to include the area within 1/2 mile of the rapid transit system or the area with sufficient population densities to support 1/2 hour frequency bus service (7 net dwelling units per acre or 4,200 or more persons per square mile).

The motion carried with 18 in favor of the amendment and 11 opposed. The main motion was then placed and duly seconded and,

IT WAS VOTED:

That the Metropolitan Area Planning Council endorses the proposed amendments to MetroPlan 2000 as recommended by the Executive Committee.

A new Water Resources Action Recommendation was proposed for MetroPlan 2000. This new action recommendation will be voted on at a later Council meeting.

Mr. Menno Koning, MAPC representative from Dover, spoke in support of the amendments to the Transportation Element and the Capital Investment Program to include the proposed extension of commuter rail service from Needham to Millis as proposed by the Three Rivers subregion. He spoke on the cost advantages, safety, health/environmental benefits and public welfare, mentioning that 10 towns would benefit with Boston indirectly benefitting.

After some discussion, the motion was placed by Mr. Koning and seconded by Mr. Bailey and,



### Other Activities

Mr. Soule remarked on the number of activities MAPC is involved in and introduced Dan Fortier.

Dan Fortier to gave a brief presentation on pavement management and reclassification of roadway function. He informed the Council that a letter and map had been sent to the chief elected officials last week indicating the new changes to the arterials.

Doug Carnahan gave a presentation on vacant sites. He informed the members that the Data Center was doing a collection of vacant and commercial sites.

Jean Christensen informed the members that MAPC had received five MIGs grants totalling \$155,500, which consisted of two strategic planning grants and three service and innovation grants. She acknowledged the hard work by the staff in preparing the grants.

Douglas MacDonald and John Epling addressed the Council during the supper hour. Douglas MacDonald, Executive Director of the Massachusetts Water Resources Authority, updated the membership on a number of issues concerning water quality, the outfall pipe, the south system relief sewers, rates, and federal funding. He invited the members to a site visit to Deer Island.

John Epling, Executive Director of the National Association of Regional Councils, spoke about the New Jersey state plan compared to MetroPlan 2000. He encouraged the members to take MetroPlan off the bookshelf and reread it, that Boston was ahead in the nation. He also informed the members that NARC would be taking a major role in the Clean Water Act.

President Davis opened the business meeting and thanked the speakers. She introduced Frank Baxter who welcomed the members to Burlington.

Mr. Baxter gave a brief history on the Burlington complex and how it has become the most successful suburban, regional complex developed in the metropolitan area during the past 30 years.

### Approval of the Minutes of May 27, 1992

A motion was placed, duly seconded and,

IT WAS VOTED:

That the Metropolitan Area Planning Council accepts the minutes of May 27, 1992 as printed.

### Report of the President

President Davis spoke about the new year and new team of officers. She welcomed the new members to the Council. She informed the members that the officers met monthly. Some of the discussions at the meetings included reorganization, planning the 1994 NARC conference in Boston, a

**IT WAS VOTED:**

**That the Metropolitan Area Planning Council accepts the report of the Subregions.**

**Renewal of Borrowing Authority**

**A motion was placed, duly seconded and,**

**IT WAS VOTED:**

**That the Metropolitan Area Planning Council, upon the recommendation of the Treasurer, the Officers, and the Finance and Executive Committee, hereby authorizes the Council Treasurer, under the provisions of M.G.L. Chapter 40B, Section 8, and with the approval of the President of the Metropolitan Area Planning Council, to borrow money from time to time in anticipation of revenue to be received from member municipalities for the financial year beginning July 1, 1992 and ending June 30, 1993, and to renew any note or notes issued for less than one year in accordance with M.G.L. Chapter 44, Section 17.**

**There being no further business, the meeting was declared adjourned at 8:20 p.m.**

**Respectfully submitted,**

**Richard A. Easler  
Secretary**

Minutes of the Winter Council Meeting of the  
METROPOLITAN AREA PLANNING COUNCIL  
February 24, 1993

The Winter meeting of the Metropolitan Area Planning Council was held at the Royal Sonesta Hotel in Cambridge on Wednesday, February 24, 1993.

**OFFICERS:** Marjorie A. Davis, President; Edmund P. Tarallo, Vice President; Marylou Batt, Treasurer; Richard A. Easler, Secretary.

**TOWNS:** Present: Donald Gilberti, Acton; Alan McClennen, Jr., Arlington; Stephen Kerlin, Ashland; Richard Joly, Bedford; John E. Woodward, Brookline; Martha Gjestebj, Cohasset; Menno Koning, Dover; Burnham Riggs, Hamilton; John Culhane, Holbrook; Richard Brown, Holliston; Penny Manchester, Hopkinton; Joseph Marino, Lexington; William Constable, Lincoln; Carol Bibbins, Littleton; Frank Kelly, Marshfield; Brian Wood, North Reading; Mark Favoloro, Reading; George Bailey, Sharon; Grace Shepard, Sherborn; Ursula Lyons, Sudbury; Richard Bessom, Swampscott; Allen Burdett-Thomas, Topsfield; Leyana Kafalas, Wayland; Robert Murphy, Wellesley; Robert Brown, Weston; Jay Donovan, Wilmington; Ralph D'Amico, Winchester.

Absent: Bellingham; Belmont; Bolton; Boxborough; Braintree; Burlington; Canton; Carlisle; Concord; Danvers; Dedham; Duxbury; Essex; Foxborough; Framingham; Hanover; Hingham; Hudson; Hull; Ipswich; Lynnfield; Manchester; Marblehead; Maynard; Medfield; Medway; Middleton; Milford; Millis; Milton; Nahant; Natick; Needham; Norfolk; Norwell; Norwood; Pembroke; Randolph; Rockland; Rockport; Saugus; Scituate; Sherborn; Southborough; Stoneham; Stoughton; Stow; Wakefield; Walpole; Westwood; Weymouth; Winthrop; Wrentham.

**CITIES:** Present: Wolfgang Bauer; Franklin; Glenn Gibbs, Gloucester; David Parry, Marlborough; Jeffery Luxenberg, Melrose; Bill Colehower, Salem; Donald Borchelt, Somerville; Mark Boyle, Watertown; John Cashell, Woburn.

Absent: Beverly; Boston; Chelsea; Everett; Lynn; Medford; Newton; Peabody; Quincy; Revere; Waltham.

Mr. Rosenberg gave a slide presentation on Growth Policy which had been discussed at the Planning Board's public hearing the night before. He hoped no one came by car but rather rode the "wave" to the CambridgeSide Galleria. The "wave" is a shuttle which carries approximately 30,000 people a month, reducing parking spaces for the mall. He also spoke about new plans for the City concerning open space and urban design.

President Davis thanked him for his interesting presentation and then introduced Laurel Carlson from DEP.

### Air Quality

Ms. Carlson gave a brief update on the Federal Clean Air Act and the State's Implementation Plan. She also commented on the ozone standards and health risks especially for joggers, noting that high levels of carbon monoxide from traffic exist in Boston, Medford and Revere. The deadline to insure the standards is 1999 and 1993 is the year of the strategy plan.

### CDC's Progress Report

Keith Ratner, Chairman of the Concentrated Development Committee, provided an overview of the current status of CDC reviews. There are four communities with five CDC sites that have reached the stage to prepare memorandums of understanding: Salem, Gloucester, Malden and Medford. Seven communities with 21 CDC sites are at the mini plan stage. There are 16 CDC sites in 12 communities that remain to be reviewed.

Mr. Ratner was asked if having a designated CDC meant that the CDC would have a higher priority than non-CDC areas for infrastructure funding. The response was yes, concentrated development centers are priority areas for infrastructure funding and this priority will be noted in the MAPC's capital improvements program.

Mr. Glenn Gibbs spoke on why Gloucester is interested in this program. He gave a slide presentation on their CDC for Gloucester, which is the downtown waterfront area.

### GIS Activities

Karen Carbone, MAPC staff, discussed Geographic Information Systems (GIS) , how a community can get started. She also discussed MAPC's role in GIS, data development, and services available to local cities and towns. Discussion ensued about whether MAPC should play a role in creating one regional database of which communities may become a part, by computer linkages.

in Massachusetts represent communities in the MAPC region. Staff are working with the congressional delegation to set up meetings with community officials to discuss opportunities in the stimulus package. Congressman Barney Frank has agreed to participate in such a forum in early April.

Mr. Landau said that EDA news is very good. EDA approved the regional OEDP in January. This is the first approved OEDP in the MAPC region since 1986. At the outset of the OEDP process we were told we might get one to three projects in the region and probably just one. Now it appears we may receive four or five grants for our OEDP top priorities. The Somerville Boynton Yard project has already received a grant of \$790,000. Renovations to the Charlestown Navy Yard, a project of the BRA, is now in final review at EDA. Several other projects are in preliminary stages of filing grant applications.

Our second EDA planning grant is now pending final approval at EDA. We will begin to evaluate and update the OEDP, including project priorities.

#### Other Reports

Jean Christensen mentioned that staff was really involved in the MIGs grants from the Executive Office of Communities and Development. She also reported on the pavement management program, noting that one-third of the communities have shown an active interest. Staff have completed four community pavement management reports, and have trained 14 DPW personnel. Under the ISTEA regulations, communities must have a pavement management program underway by January 1995, or in September may lose out on federal funding.

Ms. Christensen informed the Council members that the MIGs grant on Joint Dispatching--E911 was progressing. They had been working with 13 MetroWest communities to convert to E911 and had hired a consultant

Finally, Ms. Christensen reported on the MIGs grant for a computerized network. This will help communities with joint purchasing by being tied into a database to receive prices on oil, library and school equipment, etc. A consultant has been hired to do a needs analysis by July 1 and set up a pilot program. The potential for this project is enormous and the first in the country.

Doug Carnahan briefed the members on vacant sites (Attachment F) in package. MAPC, in collaboration with MAED (Massachusetts Alliance for Economic Development) is working to keep the Watertown-based Boston Scientific from leaving Massachusetts as well as attracting new businesses from outside the region. MAPC has provided MAED with a listing of all sites of greater than 50 acres in prime market locations that are vacant and zoned for commercial or industrial uses. Retaining and attracting jobs will create jobs and enhance the local tax base.

There being no questions on the Executive Director's report in the Council package, a motion was placed, duly seconded and,

IT WAS VOTED:

That the Metropolitan Area Planning Council accepts the report of the Executive Director.

#### Report of the Treasurer

Treasurer Batt reported to the members that the Council was solvent. That MAPC had purchased new computer equipment and staff had four days of training on the new software packages. She also noted that the cash position is quite good.

A motion was placed, duly seconded and,

IT WAS VOTED:

That the Metropolitan Area Planning Council accepts the report of the Treasurer.

#### Policy Committee Reports

There being no discussion on the policy committee reports, a motion was placed, duly seconded and,

IT WAS VOTED:

That the Metropolitan Area Planning Council accepts the report of the MetroPlan Committee and Concentrated Development Centers Committee.

#### Assessment Increase

President Davis informed the members that only city and town representatives can vote on the assessment increase. Mr. Murphy of Wellesley made a friendly comment noting that the total for the average charge per capita for the entire region was incorrect. The correction was so noted and a motion was placed and duly seconded and,

IT WAS VOTED:

That the Metropolitan Area Planning Council set the FY94 annual assessment to member communities at \$621,262 which is an 2½ % increase from the FY93 amount of \$606,109.

The motion passed unanimously.

New Business

Concerning the new PMSA designation, Mr. Tarallo offered the following motion and was duly seconded and,

**IT WAS VOTED:**

That the Metropolitan Area Planning Council go on record as opposed to the new PMSA designation and authorize staff to draft a statement to the congressional delegation for Executive Committee approval.

There being no further business, the meeting was declared adjourned at 8:40 p.m.

Respectfully submitted,

Richard A. Easler,  
Secretary

Minutes of the Annual Council Meeting of the  
METROPOLITAN AREA PLANNING COUNCIL  
May 26, 1993

The Annual meeting of the Metropolitan Area Planning Council was held at Northeastern University's Henderson House in Weston on Wednesday, May 26, 1993.

**OFFICERS:** Marjorie A. Davis, President; Edmund P. Tarallo, Vice President; Marylou Batt, Treasurer; Richard A. Easler, Secretary.

**TOWNS:** Present: Donald Gilberti, Acton; Alan McClennen, Jr., Arlington; Steven Kerlin, Ashland; Richard Joly, Bedford; Bryan Stevens, Braintree; John Woodward, Jr., Brookline; Frank Baxter, Burlington; Lois Surgenor, Carlisle; Martha Gjestebj, Cohasset; Leland Wood, Concord; Dianne Shea, Framingham; Burnham Riggs, Hamilton; Edna English, Hingham; John Culhane, Holbrook; Richard Brown, Holliston; Joseph Marino, Lexington; William Constable, Lincoln; Carol Bibbins, Littleton; John Allen, Manchester; Frank Kelly, Marshfield; Elizabeth Bransfield, Natick; Austen Smithers, Norfolk; Nicola Barletta, Rockport; George Bailey, Sharon; Grace Shepard, Sherborn; Charles Gaffney, Southborough; Donna Jacobs, Stow; Ursula Lyons, Sudbury; Leyana Kafalas, Wayland; Robert Murphy, Wellesley; Robert Brown, Weston; Robert Lang, Weymouth; Jay Donovan, Wilmington; Ralph D'Amico, Winchester; Warren Schaier, Wrentham.

Absent: Bellingham; Belmont; Bolton; Boxborough; Canton; Danvers; Dedham; Dover; Duxbury; Essex; Foxborough; Hanover; Hopkinton; Hudson; Hull; Ipswich; Lynnfield; Marblehead; Maynard; Medfield; Medway; Middleton; Milford; Millis; Milton; Nahant; Needham; North Reading; Norwell; Norwood; Pembroke; Randolph; Reading; Rockland; Saugus; Scituate; Stoneham; Stoughton; Swampscott; Topsfield; Wakefield; Walpole; Westwood; Winthrop.

**CITIES:** Present: Wolfgang Bauer, Franklin; James Miller, Newton; Donald Borchelt, Somerville; Ronald Vokey, Waltham.

Absent: Beverly; Boston; Chelsea; Everett; Gloucester; Lynn; Marlborough; Medford; Melrose; Peabody; Quincy; Revere; Salem; Watertown; Woburn.

**GUBERNATORIAL:** Present: Franklin Ching; Carl Corey; Marvin Gilmore; Alan Johnson; Anthony Malbranche; Joseph Rodriguez; James Watson.



At this point, Chairman Davis introduced Joseph Mullin from the Weston Board of Selectmen. Mr. Mullin welcomed the members to the Henderson House. He noted that Weston had strong zoning bylaws, strong conservation land policies, a strong public school system, but was a skeptic of state and federal programs. He hoped that regionalism at MAPC continues to flourish and thanked everyone for coming.

### Subregions

Frank Ching reported that there was a need for more emphasis on the subregions. Therefore they were working on an evaluation process and survey to be distributed to the subregions. One of the issues to be addressed is incorporating the subregions in the discussions of the MAPC work program and budget.

Mr. Ching also discussed the need for some subregions to become more active, for a strong financial base and a stronger link between the subregions and representatives. The most important new roles for the subregions will be their involvement with the Transportation Plan, the Transportation Improvement Program (TIP), the State Implementation Plan for Air Quality (SIP), MWRA's sewer systems and the Clean Water Act.

Mr. Ching announced that this would be his last meeting as the Subregional Chair.

### Legislative Actions

Jay Donovan identified the legislative priorities for MAPC at the state and federal level. He noted that there were five federal bills being actively followed and explained the rating system for bills: "A" actively following; "B" may submit testimony; "C" tracking.

Mr. Donovan also commented on the state bills, noting that the committee was limiting their focus so as to not overburden staff. However, he noted that if anyone had questions concerning any bill to contact him, David or staff.

Mr. Bailey asked if we opposed any bills and Mr. Donovan replied they had not taken such a position but for the most part support or did not establish a position.

Ms. Gjestebj questioned President Clinton's economic stimulus package and Mr. Donovan replied that the Council's major emphasis was on the jobs section and were fully supportive and had requested projects from communities that they were hoping would be funded.

Mr. Murphy reported that some bills listed were detrimental to the communities, in which Mr. Donovan reported that they were not taking a position but just tracking the bill. Some discussion followed in which members recommended that more

element will formally link the OEDP with MetroPlan thus coordinating MetroPlan and the OEDP so that they do not contradict each other. The economic development element will also identify MAPC policy recommendations regarding cross cutting issues to facilitate economic development.

Mr. Easler noted that part of the EDA requirements are that there be an Economic Development Policy Committee, and anyone interested in serving on that committee or any other committees should notify Mr. Soule.

### Transportation Plan

Mr. Easler then introduced Mr. Tarallo who explained the transportation element, which was shifted over to the MPO Liaison Committee, because of the high volume of work in transportation planning.

Mr. Tarallo spoke about the critical nature of the Transportation Plan and the part that MAPC, and more importantly, the cities and towns have in the Transportation Plan. MAPC participates in the update of the Program of Mass Transportation, the Regional Transportation Plan, and the State Implementation Plan for Air Quality and it is important to assess the funding capability of all of these items in terms of their interrelationship, because the bottom line is money from the state and federal government and how it affects cities and towns. MAPC becomes the agency that involves cities and towns in public participation and plays a significant role on the MPO. Mr. Tarallo noted that for the first time in 15 years, a transportation plan for the region will be developed which will have to interrelate all the transportation programs. In the MAPC region, we have identified over \$18 billion in projects but only \$6 billion in federal dollars, which means only 1/3 of the projects will be funded.

ISTEA tells us how we must look at transportation facilities and how the different modes are integrated and how it is financed. Mr. Tarallo said it is important that he tells you that it's the belief of the MAPC Executive Committee, which has discussed these issues, that this is the one plan that is the most critical to MAPC communities and state agencies over the next several months. The time frame is short but the work is great. Mr. Tarallo then described the time frame for public participation, noted meetings planned with local officials for their input, and indicated that a special Council meeting might be called in September.

Mr. Tarallo went on further to say that Ed Bates would be describing the process but that it was important to listen because the Transportation Plan will last till 2020. Your project will have to be part of the Transportation Plan to be part of the TIP and if it is not there now, you may have problems in the future. He then introduced Ed Bates.

Mr. Bates proceeded to explain the funding aspect of the Transportation Plan and projects totalling between \$16-18 billion dollars and with \$6 billion available in the next five years and more money available after that. The Transportation Plan must be

**IT WAS VOTED:**

That the Metropolitan Area Planning Council approves the Annual action recommendations adopted in MetroPlan 2000.

**GIS Survey**

Mr. Soule introduced Christine Krier from the staff to explain the results of the GIS survey. Ms. Krier reported that 58 communities had responded to the survey; 17 communities having purchased GIS equipment; 41 have not purchased; 28 communities are considering; and 37 are interested in receiving services from MAPC. She reiterated that it was important for the communities to exchange ideas and to eliminate duplication by working together on compatible systems. Ms. Krier said she looked forward to working with the communities.

**Work Program and Budget**

Mr. Soule stated that the Work Program and Budget was prepared under an important new concept and thanked the officers for their guidance. The Executive Committee retreat produced a set of agency goals and objectives and incorporated these into this year's work program and budget.

Mr. Soule then proceed to explain each section of the work program to the Council members noting that the goals and objectives were tied into the work activities. He explained that tough choices had to be made to accomplish the goals. He also noted that the performance and evaluation process would be based on the goals and objectives of the Work Program.

After a brief discussion, in which members complimented the Work Program and Budget, a motion was placed by Mr. Corey and seconded by Mr. Murphy and,

**IT WAS VOTED:**

That the Metropolitan Area Planning Council, upon the recommendation of the Executive Committee, approves the MAPC FY94 Work Program and Budget subject to the agency cost allocation plan being reviewed by the independent auditors and approved by the Massachusetts Highway Department.

Ms. Pearson voted in abstention.

At this point the meeting adjourned for dinner. Mr. Ching introduced the keynote speaker for dinner, Fletcher "Flash" Wiley. Mr. Wiley will be next year's Chairman of the Boston Chamber of Commerce and has been with the Chamber since 1980. He spoke about economic revitalization and developing an educated work force. After

### Report of the President

President Davis reported that it had been a very good year of transition and reorganization. She added that the MPO Liaison Committee was involved in reviewing the transportation elements and the Regional Transportation Plan. That the Council had held a meeting to brief local officials on the ISTEA legislation. In January, the Executive Committee members attended a retreat in which greater visibility and greater participation in public policy were discussed and an ad hoc committee was formed (External Affairs Committee). That the Executive Committee had done a formal evaluation process for the Executive Director and signed another three year contract with the Executive Director.

President Davis also reported the establishment of a Charles Eliot Award and had reactivated the Personnel Committee, noting that the last time personnel policies were reviewed was in 1985.

A motion to accept the report of the President was made, duly seconded and,

IT WAS VOTED:

That the Metropolitan Area Planning Council accepts the report of the President.

### Report of the Treasurer

Treasurer Batt noted that the report was self explanatory. However, it had been an important year financially and thanked Stan and the staff for their hard work, especially dealing with the new accounting system and management reports. She also thanked Marvin Gilmore and the Finance Committee for all their help.

On a motion placed by Mr. Gilmore and seconded by Mr. Constable,

IT WAS VOTED:

That the Metropolitan Area Planning Council accepts the report of the Treasurer.

### Report of the Executive Director

There being no questions on the Executive Director's report, on a motion placed by Mr. Corey and seconded by Mr. Tarallo,

A motion was placed directing the recording secretary to cast one ballot for the Fiscal 1994 slate of officers as presented by the Nominating Committee. The motion was duly seconded and,

**IT WAS VOTED:**

That the Secretary of the Metropolitan Area Planning Council cast one ballot unanimously electing the following slate of officers for the period of one year ending at the Annual Meeting of the Metropolitan Area Planning Council in May 1994:

President:	Edmund P. Tarallo
Vice President:	William G. Constable
Treasurer:	Richard A. Easler
Secretary:	Dianne M. Shea

Caucus procedures for the election of the Executive Committee were explained, noting candidates who had expressed an interest in running for the Executive Committee. The following chairs were appointed: Robert Brown (towns); Richard Easler (cities); Frank Ching (gubernatorials); and Karen Pearson (ex-officios).

A brief recess was called, after which the following town nominees were presented: John Culhane; Jay Donovan; Donna Jacobs; Philippe Plageman; John E. Woodward.

There being no nominations from the floor, a motion to close nominations was placed, duly seconded and carried unanimously. A motion directing the secretary to cast one ballot for the slate as presented by the town caucus was made, duly seconded and,

**IT WAS VOTED:**

That the Secretary of the Metropolitan Area Planning Council cast one ballot unanimously electing the following slate as presented by the town caucus to the Executive Committee for a period of one year, ending at the Annual Meeting of the Metropolitan Area Planning Council in May 1994:

John Culhane, Holbrook  
 Jay J. Donovan, Wilmington  
 Donna M. Jacobs, Stow  
 Philippe Plageman, Hanover  
 John E. Woodward, Jr., Brookline

City caucus nominees included: Lauren DiLorenzo Popp; Jeffery A. Luxenberg; Donald J. Borchelt; William E. Luster; Rina Cutler. There being no nominations from the floor, a motion to close nominations was placed, duly seconded and carried

are voting for the agency head or designee, you cannot vote just the agency. He believed from past experience, that the designee should be elected, as that has the least tendency to change as often. After a brief discussion on the voting procedures, on a motion placed by Mr. Brown and seconded by Mr. Murphy,

**IT WAS VOTED:**

**That the Metropolitan Area Planning Council vote for the agency and designee.**

At this point, ballots were passed out among the members. After a brief recess in which the members cast their ballot and ballots were counted, the following were elected as ex-officio members to the Executive Committee:

Massachusetts Highway Department, Karen Pearson  
Metropolitan District Commission, Julia O'Brien  
Massachusetts Port Authority, Norm Faramelli  
Boston Redevelopment Authority, Marc Webb  
Mass. Water Resources Authority, Rick Armstrong

President Davis then introduced the new MAPC Officers: Ed Tarallo, President; Buzz Constable, Vice President; Dianne Shea, Secretary; and Dick Easler, Treasurer.

There being no further business, the meeting was declared adjourned at 9:15 p.m.

Respectfully submitted,

Richard A. Easler  
Secretary

Minutes of the Fall Council Meeting  
METROPOLITAN AREA PLANNING COUNCIL  
September 21, 1993

The Fall meeting of the Metropolitan Area Planning Council was held at the Wellesley College Club in Wellesley on Tuesday, September 21, 1993.

OFFICERS: Edmund P. Tarallo, President; William G. Constable, Vice-President;  
Dianne M. Shea, Secretary.

TOWNS: Present: Donald Gilberti, Acton; Steven Kerlin, Ashland; John E. Woodward, Brookline; Frank Baxter, Burlington; Lois Surgenor, Carlisle; Martha Gjestebj, Cohasset; Leland Wood, Concord; Menno Koning, Dover; Philippe Plageman, Hanover; John Culhane, Holbrook; Richard Brown, Holliston; Mary Pratt, Hopkinton; Kim McIntyre, Hull; Carol Bibbins, Littleton; James Bishop, Marblehead; Frank Kelly, Marshfield; Martha White, Milford; William Reilly, Milton; Elizabeth Bransfield, Natick; Nicola Barletta, Rockport; George Bailey, Sharon; Grace Shepard, Sherborn; Charles Gaffney, Southborough; Donna Jacobs, Stow; Ursula Lyons, Sudbury; H. Allen Burdett-Thomas, Topsfield; Robert Murphy, Wellesley; Marjorie Davis, Wenham; Robert Brown, Weston; Steven Olanoff, Westwood; Robert Lang, Weymouth; Jay Donovan, Wilmington; Ralph D'Amico, Winchester.

Absent: Arlington; Bedford; Bellingham; Belmont; Bolton; Boxborough; Braintree; Canton; Danvers; Dedham; Duxbury; Essex; Foxborough; Hamilton; Hingham; Hudson; Ipswich; Lexington; Lynnfield; Manchester; Maynard; Medfield; Medway; Middleton; Millis; Nahant; Needham; Norfolk; North Reading; Norwell; Norwood; Pembroke; Randolph; Reading; Rockland; Saugus; Scituate; Stoneham; Stoughton; Swampscott; Wakefield; Walpole; Wayland; Winthrop; Wrentham.

CITIES: Present: Andrew McClurg, Boston; Elizabeth Epstein, Cambridge; Glenn Gibbs, Gloucester; Lauren Popp, Medford; James Miller, Newton; William Luster, Salem; Donald Borchelt, Somerville; Ronald Vokey, Waltham.

Absent: Beverly; Chelsea; Everett; Franklin; Lynn; Marlborough; Melrose; Peabody; Quincy; Revere; Watertown; Woburn.

GUBERNATORIAL: Present: Franklin Ching; Marvin Gilmore; Richard Walker.

Absent: Sen. Michael Barrett; Joseph Brevard; Carl Corey; Augusto Grace; Melba Hamilton; Anthony Harris; Syvalia Hyman; Alan Johnson;

guest speaker today. He then proceeded to introduce Vice President, Buzz Constable from Lincoln; Dick Easler, Treasurer, who is not here today because he is on vacation; and Dianne Shea, Secretary, who would be arriving later in the meeting; and Marjorie Davis, Past President, for all their help.

### Transportation Plan

President Tarallo reported that the Regional Transportation Plan was in the process of a major update and at this time would like to give an update on where it is and a little understanding of where it has been. He then introduced Dan Beagan, Director of the Bureau of Transportation Planning and Development for the State, to open up with a few remarks about the Plan.

Mr. Beagan reported that this is the first plan that the Boston area has seen in almost 10 years and it is an extremely important document but by no means the final document. It is a document that is changing as we speak. The document was presented to the public back in August and as a result of those public hearings, the document has changed considerably. He went on to say that they have taken into consideration the comments of the bicycling community as well as MAPC's, 1000 Friends, and the Executive Office of Environmental Affairs to name a few. Mr. Beagan said the important thing he wants to leave with the members is not so much what is the transportation plan right now, but that the transportation plan will change. When the plan is endorsed on October 1st, it will only be a reflection of the transportation plan as of that day and they will begin updating the plan on October 2nd.

President Tarallo then introduced Ed Bates, who would be giving background information on the Regional Transportation Plan.

Mr. Bates briefed the members on the outline for the transportation plan discussion which was passed out to members before the meeting. He proceeded to list the page numbers of items that would be discussed in the outline. Mr. Bates also commented on how frequently the plan was changing and apologized for not having the updated plan because it only became available Monday morning but didn't have enough time to make copies for all of you, but the difference between Mr. Beagan's and your copy is only a one page project selection criteria. Mr. Bates then proceeded to give the background of the plan with accompanying slides.

Mr. Bates reported that the MPO is scheduled to meet September 27th and there is a motion in front of you to call for a special Executive Committee meeting prior to the MPO meeting to see if the outstanding issues have been satisfactorily addressed.

Mr. Bates also commented on the public participation process, noting that MAPC had received over 100 sets of comments on the plan on a number of different issues. He thanked Donna Howard for planning the public meetings and putting together all the comments received.



planning process. There are huge amounts of dollars involved. He then went on to explain the four issues they were negotiating and presented slides.

Mr. McClurg followed up on Mr. Soule's comments about the project selection process. The City of Boston feels that is the key issue here and proposed some additional ideas to be worked into the negotiations as we go along. One idea being the process of moving projects along from one stage to another, be made by MAPC and the Advisory Board, who should be making the decision and then taken to the MPO for a vote. The second point is more important on what projects are going to be subjected to this review process. The process needs to be tighten up a little bit, more input from the communities, and to begin to look now at all the projects that are out there that are subject to this review.

President Tarallo agreed and noted that this does need to be discussed in the next couple of days.

Discussion ensued on what would happen if we voted against it and what would happen next.

President Tarallo responded that six agencies vote on the plan, not the JRTC. What would happen is the cities and towns, represented by MAPC and the MBTA Advisory Board, would be out voted 4-2, but he is still trying to come to a solution but if not resolved, he as President will vote no if that is what he has to do. He also reported that he had talked with the Secretary of Transportation to discuss some of the issues with some success and had also met with the MBTA Advisory Board and submitted joint comments but does not feel we have reached the level we need to be at.

Mr. Brown asked about the discussion which has ensued and was he correct in stating that the vote is to authorize a special Executive Committee meeting and can the body also vote to make other resolutions and directions that are not limited to that vote.

President Tarallo responded in the affirmative. However, the President noted that we are in a critical stage, we have gone through a process that has reached the stage in which nothing is really settled, the plan changes hour to hour, day to day. The difficulty we have as an organization is trying to keep up with the bouncing ball and to hit the bouncing ball as it comes by. All of those things are very difficult, the Executive Committee had a lengthy discussion and came forward with a motion not to support and endorse this particular plan as it was written at that time. What we are looking for today is for the Council to authorize the President to call for an emergency Executive Committee meeting prior to the MPO meeting to provide advice on whether or not the outstanding issues have been satisfactorily addressed and direct the President on how to vote. The reason for this is we are still involved in negotiations and we need to have as much flexibility as we can possibly have to do that and as President, I need that option to move in those negotiations. He asked for their support to go to the Executive Committee one more time as things are still changing.

At this point, Mr. Baxter proposed the following motion:

That the Council instruct the President to vote against the Regional Transportation Plan unless the plan requires that projects be reviewed and approved according to the criteria in the plan and in MetroPlan 2000; further that the role of communities in the approval and the decision-making process be increased through MAPC; and that MetroPlan 2000 become the basis of the Regional Transportation Plan.

and it was duly seconded.

Vice President Constable offered a friendly amendment:

...that the goals and objectives of MetroPlan 2000 become the basis of the Regional Transportation Plan.

It was duly seconded.

President Tarallo asked if Mr. Baxter would accept the friendly amendment and he disagreed and a brief discussion ensued.

The President then read the amended motion and,

IT WAS VOTED:

That the Council instructs the President to vote against the Regional Transportation Plan unless the plan requires that projects be reviewed and approved according to criteria in the plan and in MetroPlan 2000; further that the role of communities in the approval and the decision-making process be increased through MAPC; and that the goals and objectives of MetroPlan 2000 become the basis of the Regional Transportation Plan.

Ms. Pearson voted in abstention.

President Tarallo put forward the motion as amended, and

IT WAS VOTED:

That the Council instructs the President to vote against the Regional Transportation Plan unless the plan requires that projects be reviewed and approved according to criteria in the plan and in MetroPlan 2000; further that the role of communities in the approval and the decision-making process be increased through MAPC; and that the goals and objectives of MetroPlan 2000 become the basis of the Regional Transportation Plan.

Steven Olanoff, Westwood  
Edward Richardson, Westwood Alternate

### Approval of the Minutes

A motion was placed, duly seconded, and

IT WAS VOTED:

That the Metropolitan Area Planning Council accepts the minutes of the May 26, 1993 meeting as printed.

### Report of the Treasurer

In the absence of Treasurer Easler, the President asked Stanley Arend to give the report. Mr. Arend reported that the Council is in a strong cash position. A motion was placed and duly seconded, and

IT WAS VOTED:

That the Metropolitan Area Planning Council accepts the report of the Treasurer.

### Report of the President

President Tarallo reported that he had appointed the following to chair the following committees and asked for Council members help on these committees:

MetroPlan 2000 Committee	Bill Luster and Rick Armstrong
MPO Liaison	Alan McClennen
Legislative Committee	Jay Donovan and Leland Wood
Finance Committee	Dick Easler and Norm Faramelli
Economic Development	Richard Walker
Personnel	Marjorie Davis
Charles Eliot Award	Marjorie Davis
Challenge to Leadership	Frank Ching
Boston Chamber of Commerce	Marvin Gilmore

President Tarallo reported that he and David Soule had met with Secretaries Trudy Cox, EOE; Mary Padula, EOE; and James Kerasiotes, EOTC to build a better liaison and to work together on common goals. He also reported on the meeting in Newton with Commissioner Greenbaum and local officials on air quality implementation.

President Tarallo commented on the TIP amendment process. He reported that since Executive Committee approval, the process has been bridged adding \$50 million to the central artery project and not knowing the effect on cities and towns, MAPC and the

Mr. Soule noted that there would be a users fee but they would be able to access the network as much as they wanted.

### Policy Committee Reports

There being no discussion on the reports of the policy committees, on a motion placed and duly seconded,

#### IT WAS VOTED:

That the Metropolitan Area Planning Council accepts the report of the MetroPlan Committee, MPO Liaison Committee and the Economic Development Policy Committee.

### MetroPlan 2000

Mr. Pillsbury informed the members that he and Steven Landau would do a quick update on the Economic Development and Water Resources elements.

Mr. Landau responded that the two main pieces of the economic development element that he would like to emphasize. One is the coordination and linking the Overall Economic Development Program with MetroPlan 2000 and the other identifying key MetroPlan issues and how they affect economic development and implementation of the basic concentrated development tenet of MetroPlan 2000. Mr. Landau went on to say that the important part of the OEDP is to promote policy and projects to bring income to the region and jobs to the communities.

Mr. Landau briefed the members on how MAPC will promote economic development and would have a substantial draft available by the February meeting. Some of the issues that will be highlighted included: transportation, MWRA rates, and contaminated sites in the urban area and the new 21E regulations. Finally, Mr. Landau noted that they will be reviewing the concentrated development center process and how that relates to Chapter 19, the establishment of enterprise zones.

Mr. Pillsbury then gave a brief update on the progress of the water resources element. He highlighted some of the work being done. One area being looked at is the region's water quality assessment and noted that only one-third of the region's rivers are meeting their water quality standards, coastal waters on the north shore and in Boston harbor area are severely stressed, 92% of the region's lakes, or 69 percent, have water quality which is either poor or severely stressed.

Mr. Pillsbury then went on to talk about the region's drinking water as it relates to groundwater and surface water. Finally he spoke about the status of the wastewater infrastructure being a key part of MetroPlan, noting that there are 35 sewer projects in the CIP.

Minutes of the Winter Council Meeting  
METROPOLITAN AREA PLANNING COUNCIL  
March 2, 1994

The Winter meeting of the Metropolitan Area Planning Council was held at the Royal Sonesta Hotel in Cambridge on Wednesday, March 2, 1994.

**OFFICERS:** Edmund P. Tarallo, President; William G. Constable, Vice President; Richard A. Easler, Treasurer; Dianne M. Shea, Secretary.

**TOWNS:** Present: Alan McClennen, Arlington; Steven Kerlin, Ashland; Richard Joly, Bedford; John E. Woodward, Brookline; Frank Baxter, Burlington; Leland Wood, Concord; Anne Krieg, Danvers; Philippe Plageman, Hanover; Edna English, Hingham; John Culhane, Holbrook; Thomas Mayo, Ipswich; Joseph Marino, Lexington; Carol Bibbins, Littleton; Frank Kelly, Marshfield; Martha White, Milford; Ellen Anderson, Milton; Elizabeth Bransfield, Natick; Austen Smithers, Norfolk; William Crowley, Reading; Nicola Barletta, Rockport; Janette Fasano, Saugus; George Bailey, Sharon; Charles Gaffney, Southborough; Donna Jacobs, Stow; Ursula Lyons, Sudbury; George Mansfield, Walpole; Robert Murphy, Wellesley; Marjorie Davis, Wenham; Marillyn Zacharis, Weston; Steven Olanoff, Westwood; Robert Lang, Weymouth; Ralph D'Amico, Winchester; Jane Chmielinski, Winthrop; Warren Schaier, Wrentham.

Absent: Acton; Bellingham; Belmont; Bolton; Boxborough; Braintree; Canton; Carlisle; Cohasset; Dedham; Dover; Duxbury; Essex; Foxborough; Hamilton; Holliston; Hopkinton; Hudson; Hull; Lynnfield; Manchester; Marblehead; Maynard; Medfield; Medway; Middleton; Millis; Nahant; Needham; North Reading; Norwell; Norwood; Pembroke; Randolph; Rockland; Scituate; Stoneham; Stoughton; Swampscott; Topsfield; Wakefield; Wayland; Wilmington.

**CITIES:** Present: Kevin Flynn, Everett; James Miller, Newton; Donald Borchelt, Somerville; Ronald Vokey, Waltham; Mark Boyle, Watertown; John Cashell, Woburn.

Absent: Beverly; Boston; Chelsea; Franklin; Gloucester; Lynn; Marlborough; Medford; Melrose; Peabody; Quincy; Revere; Salem.

**GUBERNATORIAL:** Present: Franklin Ching; Marvin Gilmore; Joseph Rodriguez; Richard Walker; James Watson.

Absent: Sen. Michael Barrett; Joseph Brevard; Carl Corey; Augusto Grace; Melba Hamilton; Anthony Harris; Syvalia Hyman; Alan Johnson;

Mr. Soule announced that MAPC's 1993 Annual Report was available at today's meeting and thanked Donna Howard and Susan Pawlowski for their work in putting it together in-house. He also announced this year MAPC will celebrate 30 years of service. Mr. Soule then proceeded to brief the members on the green handbook which was distributed at the registration desk. He asked members to take the handbook home and read it, as there was a lot of important information contained in it (i.e., transportation, subregional retreat, Boston (Globe) Conference, Clean Cities program).

President Tarallo announced the first order of business would be the proposed MetroPlan 2000 amendments to the transportation and water resources elements and concentrated development centers designation and called upon Grace Shepard, Chairperson of the MetroPlan Committee.

#### MetroPlan 2000 Amendments

Ms. Shepard reported our small but enthusiastic MetroPlan Committee has been working hard on these proposed amendments and called upon Alan McClennen to explain the amendments to the transportation elements.

Mr. McClennen quickly briefed the members on the transportation element reminding them that this was adopted several years ago by the Council and we are now talking about making changes to it (a line through text means it is being deleted and bold print means it is being added). He then proceeded to summarize the changes with some slides.

Mr. McClennen then proceeded to take questions regarding the proposed amendments to the transportation element.

Ms. Pearson questioned the inaccuracies in the transportation element and the process for changes.

President Tarallo responded the process they were going to follow today, was one of accepting a motion on the transportation element for it to be enacted at the May meeting. In the interim, we will take amendments to this proposed element and friendly amendments will be added in. He assumed inaccuracies would be friendly amendments and they would be acted upon over the course of the next few months.

A motion was placed and duly seconded, and

#### IT WAS VOTED:

That the Metropolitan Area Planning Council accepts the amendments to the MetroPlan 2000's transportation element for consideration for adoption at the Annual Council meeting in May.

President Tarallo then proceeded on the question of the amendment.

That the Metropolitan Area Planning Council accepts the amendments to the MetroPlan 2000's water resources element for consideration for adoption at the Annual Council meeting in May.

Ms. Shepard reported the next order of business is the standard procedure to have the annual revoting approval of MetroPlan 2000's Action Recommendations and every two years a vote on the Regional Development Plan. She was looking for motion from the floor for the vote to be taken in May.

On a motion placed and duly seconded,

IT WAS VOTED:

That the Metropolitan Area Planning Council accepts the recommendation to approve the Action Recommendations at the Annual Council meeting in May.

A motion was placed and duly seconded, and

IT WAS VOTED:

That the Metropolitan Area Planning Council accepts the recommendation to approve the Regional Development Plan at the Annual Council meeting in May.

President Tarallo added the next order of business is to vote to authorize designation of the different concentrated development centers within the area and would take each one individually and ask a representative from each community to come forward to say a few words about their particular area. He would then be looking for a motion to authorize designation of that area as a concentrated development center.

President Tarallo called upon Mr. Conley, Town-Administrator from Natick, who explained the importance of this designation to the town of Natick.

On a motion placed by Ms. Bransfield and duly seconded,

IT WAS VOTED:

That the Metropolitan Area Planning Council authorizes the President to execute the memorandum of understanding for the designation of Natick as a concentrated development center.

Ms. Pearson voted in abstention.

Mr. Vokey, Planning Director of Waltham then spoke about turning around an older downtown and their efforts to attract new businesses. The designation would be a big asset to assist in getting some funding.

IT WAS VOTED:

That the Metropolitan Area Planning Council authorizes the President to execute the memorandum of understanding for the designation of Malden as a concentrated development center.

Ms. Pearson voted in abstention.

Vice President Constable returned the gavel to the President.

The Urban Ring

President Tarallo then introduced Steven Landau from the staff, who would be discussing the Urban Ring.

Mr. Landau began by explaining that both he and Antonio DiMambro would be presenting overviews of the Urban Ring which is an area that surrounds downtown Boston and parts of five other communities. Mr. Landau presented a version of the Urban Ring that was made up of 110 census tracts that stretched from Logan Airport to Columbia Point to South Boston, via the Longwood Medical area. The Ring includes parts of the cities of Boston, Chelsea, Everett, Cambridge, Somerville and the town of Brookline. This portrait of the Urban Ring was based on previous proposals for inner-circumferential transit and graphic representations by the Boston Society of Architects and the Greater Boston Chamber of Commerce.

Mr. Landau argued that circumferential transit is a regional economic development strategy as well as an infrastructure project in the urban core. Mr. Landau used U.S. Census data, the MAPC vacant site survey and the regional employment data base to present a profile of the Urban Ring and opportunities for economic development associated with circumferential transit. Mr. Landau then introduced Antonio DiMambro, President of Comunitas, a Boston architectural and planning firm.

Mr. DiMambro presented slides showing existing conditions along the Urban Ring, opportunities for regional economic development and an improved urban environment. He said that MAPC, the regional planning agency for urban and suburban communities is uniquely situated to take a leadership role in revitalizing the Urban Ring.

President Tarallo thanked Mr. DiMambro, adding it was the perfect lead into the next agenda item, by discussing a little bit more of the Urban Ring and inner-circumferential, right into a coordinated agenda for economic development. At this point, he introduced MAPC's Chairman of the Economic Development Committee, Richard Walker, who would be introducing our panel to talk about several areas regarding that coordination which is so important to any development.



That the Metropolitan Area Planning Council accepts the amendments to the MetroPlan 2000's economic development element for consideration for adoption at the Annual Council meeting in May.

#### EDA District Designation

Mr. Walker in introducing the motion, thought it appropriate to explain that the district designation is a reward for a great deal of hard work by David Soule, former policy committee chairmen and the staff to rebuild a relationship with EDA. Mr. Walker went on to explain the benefits of district designation: a 10% bonus given to the communities throughout the district (i.e., the MAPC region) that receive EDA public works grants, thus reducing local shares; an annual EDA grant of roughly \$55-60,000; and MAPC will have greater status within EDA, increasing this region's opportunities to draw on EDA resources.

President Tarallo then asked for a motion to adopt district designation. A motion was placed and duly seconded.

Mr. Baxter remarked that he was disappointed in the presentations on a couple of standpoints. One there has not been any exchange of comments on the presentations that the Council members previously heard. The agenda was too packed with guest speakers. Council meetings should be a forum for Council business and we need to work on a little more interaction because it is the only time communities get together. Mr. Baxter went on to say he heard nothing in the presentations about cost benefit analysis and thought it was appropriate.

Mr. Soule agreed with Mr. Baxter's points, noting that a lot of information was being distributed to the members today, but there would be debate on the proposed amendments over the next three months.

Mr. McClennen noted that there has been a lot of discussion on these items at the policy committee meetings, which meet once a month, and invited members to attend.

President Tarallo then placed before the member the motion,

#### IT WAS VOTED:

That the Metropolitan Area Planning Council endorses the designation of the Metropolitan Area Planning Council as an Economic Development District by the Economic Development Administration.

President Tarallo noted he had two housekeeping duties: one dealt with parking at the hotel and informing the attendant that they were at the MAPC meeting. He also

Mr. Soule began by saying that what the legislature has in front of them is an incredible piece of legislation. He explained each section of the bill and what it will mean to planning and the local communities and the issues that still need to be addressed before the bill is passed.

At this point, the President entertained questions and comments on the Massachusetts Planning and Development Act from the audience.

#### Business Meeting

President Tarallo asked for a motion to accept the minutes of the Fall Council meeting and on a motion placed and duly seconded:

IT WAS VOTED:

That the Metropolitan Area Planning Council accepts the minutes of the September 21, 1993 meeting as printed.

#### Report of the President

President Tarallo reported that the Regional Transportation Plan was adopted in accordance with the conditions of the Council's resolution. He also noted today MAPC approved the designation of four more concentrated development centers and more CDC designations would be brought forward for the May meeting.

President Tarallo briefed the members on Annual meeting in May which is tentatively planned for the John Hancock Towers with a reception for the EDA regional administrator and the Mayors. At the May meeting, members will receive MAPC's annual work program and budget.

President Tarallo added that he had met with Rep. Barbara Gray on the 1000 Friends Legislation and to assist in making sure cities and towns are aware of the legislation and attend the hearings. The discussion will continue at the March Executive Committee meeting and the Executive Committee Retreat.

President Tarallo announced his appointment of the 1994 Nominating Committee as follows:

Franklin Ching (Chairman), Gubernatorial  
 Lauren DiLorenzo Popp, City of Medford  
 Marjorie A. Davis, Town of Wenham  
 Richard Walker, Gubernatorial  
 Norman Faramelli, Ex-Officio

That the Metropolitan Area Planning Council accepts the report of the MetroPlan Committee, MPO Liaison Committee, Economic Development Policy Committee, and the Legislative Committee.

Report of the Subregion

Ms. Jacobs, Chairman of the Subregional Chairs Committee, noted that the report was in their package but wanted to report that they did have 100% participation and with 40 people there, they managed to reach consensus on several items. They will be moving forward at the next Subregional Chairs meeting on March 8th to hammer out the remaining issues so that they can make a report to the Executive Committee meeting and make recommendations to the Council for consideration at the Annual meeting in May.

On a motion placed and duly seconded,

IT WAS VOTED:

That the Metropolitan Area Planning Council accepts the report of the Subregional Chairs Committee.

Assessment Increase

President Tarallo reminded the members that only cities and towns can vote on the assessment increase. On a motion placed and duly seconded,

IT WAS VOTED:

That the Metropolitan Area Planning Council set the Fiscal 1995 annual assessment to member cities at \$636,793 which is a 2½% increase from the Fiscal 1994 amount of \$621,262.

There being no further business, on a motion placed and duly seconded, the meeting adjourned at 8:45 p.m.

Respectfully submitted,

Dianne M. Shea  
Secretary

# GRACE

Environment, Health & Safety  
Service Center

W.R. Grace & Co. - Conn.  
55 Hayden Avenue  
Lexington, Mass. 02173

Tel: (617) 861-6600  
Fax: (617) 863-6183

July 27, 1994

Mr. Doug Halley  
Acton Board of Health  
Acton Town Hall  
472 Main Street  
Acton, MA  
01720

Dear Mr. Halley,

Enclosed is the quarterly report for the Grace Oil Recovery system on the Acton Daramic site. This report covers the period of April 1 - June 30, 1994. Site activities were performed by Handex of New England, Inc. of Marlborough, MA. Attached are the quarterly report, a monthly report for April and May, and running total in gallons of oil/hexane product recovered.

The groundwater depression pump operated continuously throughout this period at a flowrate of approximately 22 gallons/minute. The product pump had to be removed for repairs in May and was returned to service at the end of June. In order to evaluate a system capable of preventing iron sedimentation, the infiltration gallery is being charged with new stone and a pilot test on a magnetic system for reducing iron precipitation will be performed over the next three months.

If you have any questions or require any further information, please call me at (617) 861-6600 x2359.

Sincerely,

*Maryellen C. Johns*  
Maryellen C. Johns  
Project Engineer

CC: E. Benoit, DEP Worcester  
Chief Craig, Acton Fire Department  
D. Johnson, Acton Town Hall

7/29/94 78/1  
CC: DOUG HALLEY -

DO WE HAVE ANY EXPLANATION  
FOR THE SIGNIFICANT VARIATIONS IN  
PRODUCT THICKNESS BEING REPORTED  
FROM WELL RW-1?

CC: BOS -

NOTE: 28,679.88 GAL. ON LAST PAGE!



HANDEX OF NEW ENGLAND, INC., 398 Cedar Hill Street, Marlborough, MA. 01752 • (508) 481-5750 • FAX (508) 481-5159

July 21, 1994

Ms. Maryellen Johns  
W. R. Grace & Company  
55 Hayden Avenue  
Lexington, Massachusetts 02173

Re: Quarterly Monitoring Report  
Daramic Plant  
51 Independence Road  
Acton, Massachusetts

Dear Ms. Johns:

This report presents a summary of ground-water monitoring at the above location between April 1, 1994 and June 30, 1994.

Please do not hesitate to contact our office if you have any questions or comments regarding this matter.

Sincerely,  
Handex of New England, Inc.

Patrick P. Barry  
Environmental Engineer

James Wagner  
Project Manager

## QUARTERLY SITE STATUS REPORT

April 1 - June 30, 1994

W. R. Grace  
Daramic Plant  
51 Independence Road  
Acton, Massachusetts

July 21, 1994

DEP # 2-0010  
Handex Loc. Code 107710-01

CONSULTANT: Handex of New England, Inc., Marlboro, MA.

PROJECT MANAGER: James Wagner

W.R. GRACE CONTACT: Ms. Maryellen Johns

### REGULATORY STATUS:

Agency: Massachusetts Department of Environmental Protection

Permits A re-injection permit renewal has been submitted.

Proposed Work: Installation of The Ultrabeam, Environ Water Management Company, a magnetic devise for preventing in line Iron sedimentation for a trial period. Potential upgrade to infiltration gallery. and install utilizing existing gallery.

Illustration on Figure 1, Site Plan

SITE HYDROGEOLOGY: Depth to ground water/flow direction: 57.31 feet / South. Figure 2, a Water Table Contour Map, illustrates ground water flow direction to the recovery well. An observation well gauge report for the monitoring period is attached as Appendix A.

### REMEDATION SYSTEMS:

Ground-water system: Recovery well, Ground water is discharged to a re-injection gallery located on the west side of the plant. A product recovery pump discharges to a holding drum in the equipment storage shed. The recovery system operated continuously during the period at a flow rate of 22.2 gallons per minute. The product pump did not operate continuously during the period and was removed for service. The product pump was unsuccessfully retrofitted with a new reostat and subsequently returned to the manufacturer (ORS) for repair. the product pump will be re-installed in early July..

Evaluation of existing groundwater treatment system mentioned in the previous quarterly report concluded that the groundwater pump, its piping and the infiltration gallery were fouled by iron precipitation.



**MONITORING ACTIVITIES:** Monthly gauging, ground-water treatment system monitoring.

Monthly well gauging: Recovery Well: RW-1

Quarterly well gauging: Site Wells: D-1 through 14, TF-1 and TF-2  
Recovery Well: RW-1

Gauging Dates: April 4, 1994, May 10, 1994 and June 7, 1994

Liquid Phase Hydrocarbons: Detected at thicknesses between 0.01 to 2.81 feet in monitoring wells and up to 10.86 feet in the recovery well. Data used to develop a Product Thickness Map, Figure 3.

Monthly System Sampling: The system was sampled on April 4, 1994 for Hexane via EPA Method 624M, Oil & Grease via EPA Method 413.1 and Total Dissolved Solids EPA Method 160.1. The results are summarized below and attached as Appendix B.

Treatment System Effluent	
Parameter	April 4, 1994
Hexane	250
Oil & Grease	ND
Total Dissolved Solids	150
Notes: 1) ND indicates not detected above method detection limit. 2) ug/l = Micrograms/liter (ppb).	

Quarterly System Sampling: Quarterly sampling will be performed in July, 1994 for the monthly parameters plus Iron via EPA Method 200.7, Manganese via EPA Method 200.7 and Volatile Organic Compounds via EPA Method 624.

**ATTACHMENTS:** Appendix A - Observation Well Gauge Report  
Appendix B - Treatment System Laboratory Certificates

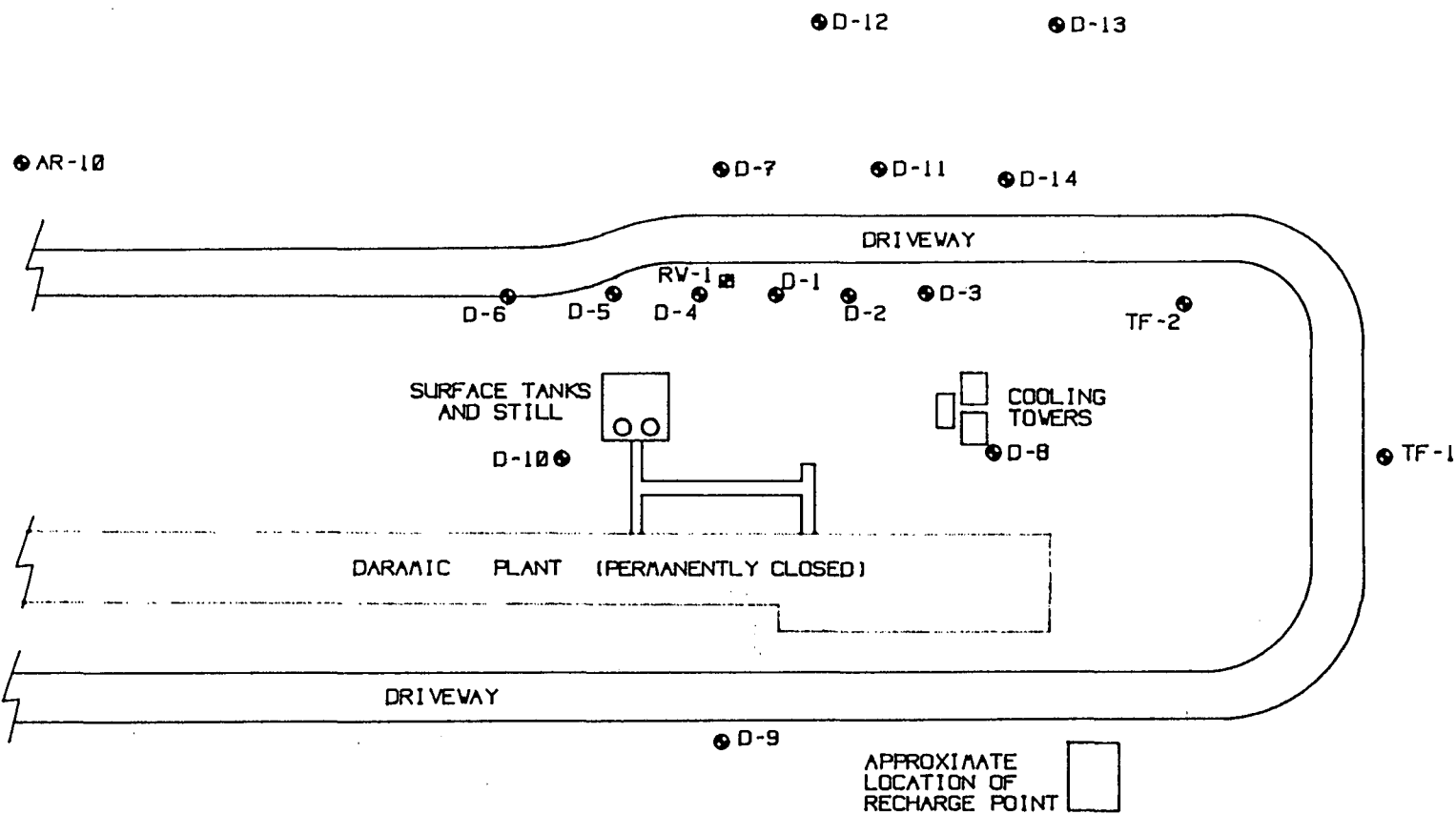
**ISSUED BY:**

*Patrick P. Barry*

Patrick P. Barry  
Environmental Engineer

*James Wagner*


James Wagner  
Project Manager



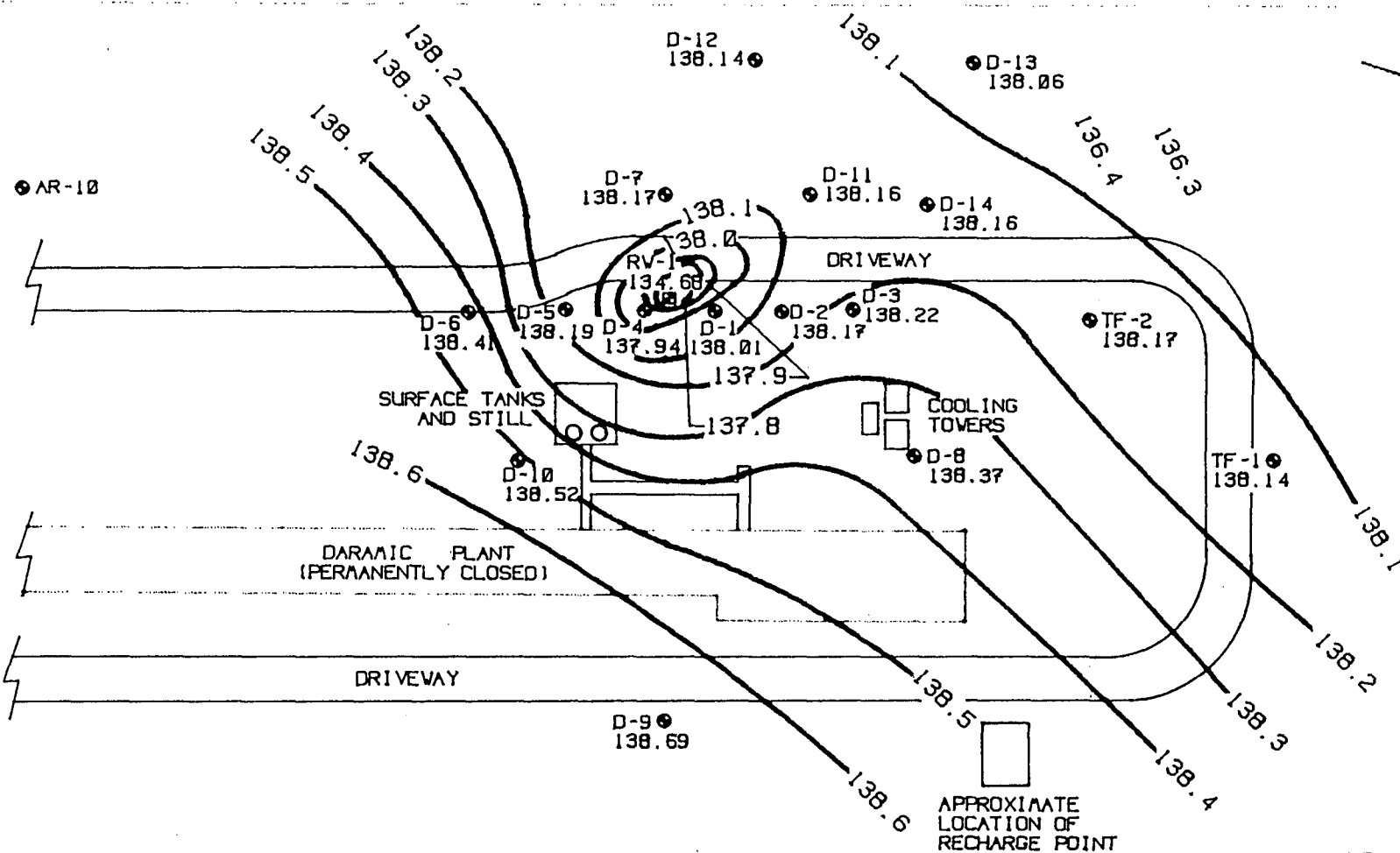
#### LEGEND

D-4 ● MONITORING WELL

RV-1 ■ RECOVERY WELL

 <b>Handac</b>	
398 CEDAR HILL STREET ARLBORO, MA 01752	
<b>FIGURE 1</b> <b>SITE PLAN</b>	
LOCATION	51 INDEPENDENCE VAY (DARAMIC PLANT) ACTON, MA
JOB NO.	107710-01
SCALE	1" = 60' APPROX. 107710SP





DATA COLLECTED ON 6-7-94

#### LEGEND

D-8 ● MONITORING WELL W/WATER  
138.37 TABLE ELEVATION IN FEET

RV-1 ■ RECOVERY WELL

136.5 — WATER TABLE CONTOUR W/WATER  
ELEVATION IN FEET



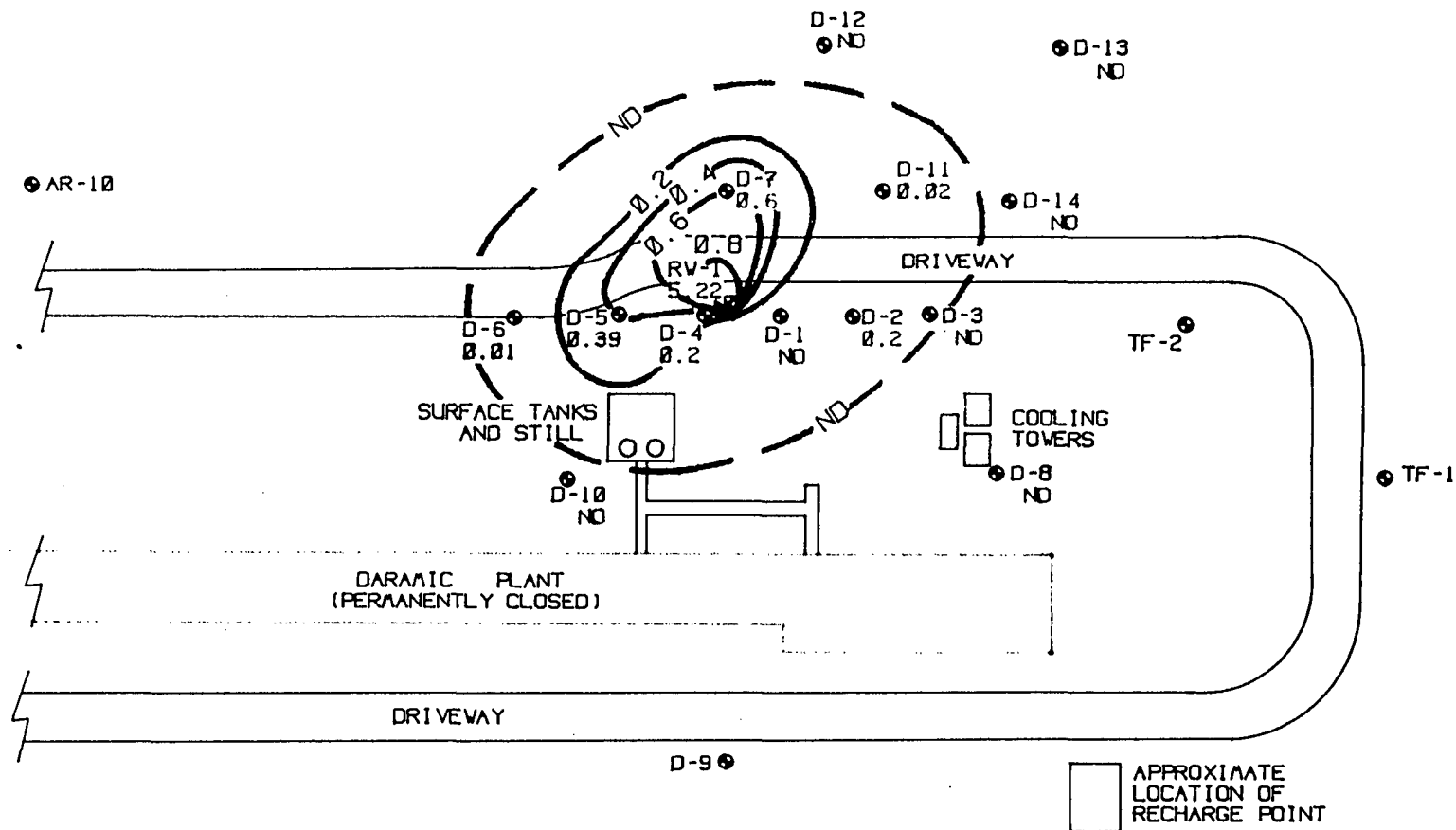
**Handax**

398 CEDAR HILL STREET ARLBORO, MA 01752

## FIGURE 2

### WATER TABLE CONTOUR MAP

LOCATION	51 INDEPENDENCE WAY (DARATIC PLANT)	
	ACTON, MA	
JOB NO.	107710-01	
SCALE	1" = 60' APPROX.	107710V2



DATA COLLECTED ON 6-7-94


**LEGEND**

D-11 ● 0.02 MONITORING WELL V/PRODUCT THICKNESS IN FEET

RV-1 ■ RECOVERY WELL

NO NOT DETECTED

0.2 ——— PRODUCT THICKNESS CONTOUR V/THICKNESS IN FEET

 <b>Handac</b> 398 CEDAR HILL STREET MARLBORO, MA 01752	
<b>FIGURE 3</b> <b>PRODUCT THICKNESS MAP</b>	
LOCATION	51 INDEPENDENCE WAY (DARAMIC PLANT) ACTON, MA
JOB NO.	107710-01
SCALE	1" = 60' APPROX. 107710P1

**APPENDIX A**  
**Observation Well Gauge Report**

## OBSERVATION WELL GAUGE REPORTS

CLIENT: W.R. GRACE  
 LOCATION: ACTON-51 INDEPENDENCE ROAD  
 STATE: MA

CLIENT CODE:  
 HANDEX CODE: 107710

Print date: 6/27/94 Page 1

MONITORING DATE	WELL TYPE-#	C	PRODUCT DEPTH (feet)	WATER DEPTH (feet)	PRODUCT THICK. (feet)	PRODUCT ELEV. (feet)	GW ELEV. (feet)	CORR GW ELEV. (feet)
4-Apr-94	D-1		58.28	58.44	.16	137.11	136.95	137.07
4-Apr-94	D-2		57.86	58.27	.41	137.12	136.71	137.01
4-Apr-94	D-3		57.28	57.29	.01	138.07	138.06	138.07
4-Apr-94	D-4		56.85	59.70	2.85	137.29	134.44	136.55
4-Apr-94	D-5		56.72	59.18	2.46	137.34	134.88	136.70
4-Apr-94	D-6		57.71	57.72	.01	137.23	137.22	137.23
4-Apr-94	D-7		58.07	59.50	1.43	137.28	135.85	136.91
4-Apr-94	D-8			58.23			137.12	137.12
4-Apr-94	D-9			57.83			137.33	137.33
4-Apr-94	D-10		58.90	58.92	.02	137.28	137.26	137.27
4-Apr-94	D-11		59.10	59.16	.06	137.07	137.01	137.05
4-Apr-94	D-12			57.48			137.08	137.08
4-Apr-94	D-13			60.21			136.91	136.91
4-Apr-94	D-14			59.47			137.00	137.00
4-Apr-94	TF-1			54.68			136.89	136.89
4-Apr-94	TF-2		58.08	58.09	.01	136.94	136.93	136.94
4-Apr-94	RW-1		57.63	58.49	.86	136.19	135.33	135.97
10-May-94	D-1		57.79	57.80	.01	137.60	137.59	137.60
10-May-94	D-2		57.10	57.36	.26	137.88	137.62	137.81
10-May-94	D-3			57.43			137.92	137.92
10-May-94	D-4		56.48	57.81	1.33	137.66	136.33	137.31
10-May-94	D-5		56.08	57.30	1.22	137.98	136.76	137.66
10-May-94	D-6		56.87	56.88	.01	138.07	138.06	138.07
10-May-94	D-7		57.51	57.84	.33	137.84	137.51	137.75
10-May-94	D-8			57.28			138.07	138.07
10-May-94	D-9			56.74			138.42	138.42
10-May-94	D-10		57.99	58.00	.01	138.19	138.18	138.19
10-May-94	D-11		58.33	58.35	.02	137.84	137.82	137.83
10-May-94	D-12			56.74			137.82	137.82
10-May-94	D-13			59.36			137.76	137.76
10-May-94	D-14			58.46			138.01	138.01
10-May-94	TF-1			53.67			137.90	137.90
10-May-94	TF-2			57.14			137.88	137.88
10-May-94	RW-1		58.60	69.46	10.86	135.22	124.36	132.40
7-Jun-94	D-1			57.38			138.01	138.01
7-Jun-94	D-2		56.76	56.96	.20	138.22	138.02	138.17

"C"omments: [P = Pumping; N = Non-Pumping; B/A = Before/After Adjustment]  
 [I = Well Inaccessible; # = nth Monitoring Event of Day]  
 [D = Dry Well; F = Film or Trace of Product] 107710



MONITORING DATE	WELL TYPE-#	C	PRODUCT DEPTH (feet)	WATER DEPTH (feet)	PRODUCT THICK. (feet)	PRODUCT ELEV. (feet)	GW ELEV. (feet)	CORR GW ELEV. (feet)
7-Jun-94	D-3			57.13			138.22	138.22
7-Jun-94	D-4		56.15	56.35	.20	137.99	137.79	137.94
7-Jun-94	D-5		55.77	56.16	.39	138.29	137.90	138.19
7-Jun-94	D-6		56.53	56.54	.01	138.41	138.40	138.41
7-Jun-94	D-7		57.16	57.22	.06	138.19	138.13	138.17
7-Jun-94	D-8			56.98			138.37	138.37
7-Jun-94	D-9			56.47			138.69	138.69
7-Jun-94	D-10			57.66			138.52	138.52
7-Jun-94	D-11		58.00	58.02	.02	138.17	138.15	138.16
7-Jun-94	D-12			56.42			138.14	138.14
7-Jun-94	D-13			59.06			138.06	138.06
7-Jun-94	D-14			58.31			138.16	138.16
7-Jun-94	TF-1			53.40			138.17	138.17
7-Jun-94	TF-2			56.88			138.14	138.14
7-Jun-94	RW-1		57.78	63.00	5.22	136.04	130.82	134.68

"C"omments: [P = Pumping; N = Non-Pumping; B/A = Before/After Adjustment]  
 [I = Well Inaccessible; # = nth Monitoring Event of Day]  
 [D = Dry Well; F = Film or Trace of Product] 107710



**APPENDIX B**  
**Treatment System Laboratory Certificates**

04/18/94

## TECHNICAL REPORT FOR WR GRACE

SAMPLES TAKEN AT: WR GRACE, 51 INDEPENDENCE WAY,  
CLIENT PROJECT ID: 107710-01  
ACCUTEST JOB NUMBER: 940428N  
SAMPLES RECEIVED AT ACCUTEST ON: 04/06/94  
NUMBER OF SAMPLES IN THIS REPORT: 1  
TOTAL NUMBER OF PAGES IN REPORT: 6

  
REZA TAND  
LAB DIRECTOR




HANDEX OF NEW ENGLAND  
398 CEDAR HILL ST.  
MARLBORO, MA 01752

DATE: 04/18/94  
JOB No: 940428N  
PROJECT No: 107710-01  
SAMPLE RECEIVED: 04/06/94

ATTN: J. ITALIANO

### SAMPLE SUMMARY

SAMPLE No	COLLECTED			POINT OF COLLECTION
	DATE	TIME	BY	
E401614N	04/04/94	15:00	JG	WATER - EFFLUENT, RW-1; WR GRACE, 51 INDEPENDENCE WAY, ACTON, MA

  
REZA TAND  
LAB DIRECTOR





## ANALYSIS REPORT

SAMPLE No	COLLECTED			POINT OF COLLECTION
	DATE	TIME	BY	
E401614N	04/04/94	15:00	JG	WATER - EFFLUENT, RW-1; WR GRACE, 51 INDEPENDENCE WAY, ACTON, MA

TEST DESCRIPTION	RESULT	MDL	UNITS	DATE	INIT
HEXANE	250	5.0	UG/L	04/11/94	RND

ND = NOT DETECTED

UG/L = PPB MG/L = PPM

MDL = METHOD DETECTION LIMIT

CERTIFICATIONS: MA (MA136) CT (PR-0109) NH (250293) NJ (59928) RI (A-71) ME (MA136)

## ANALYSIS REPORT

SAMPLE No	COLLECTED			POINT OF COLLECTION
	DATE	TIME	BY	
E401614N	04/04/94	15:00	JG	WATER - EFFLUENT, RW-1; WR GRACE, 51 INDEPENDENCE WAY, ACTON, MA

TEST DESCRIPTION	RESULT	MDL	UNITS	DATE	INIT
OIL & GREASE, GRAVIMETRIC	<5.1	5.1	MG/L	04/08/94	RSP
SOLIDS, TOTAL DISSOLVED <sup>1</sup>	150	10	MG/L	04/07/94	LMM

<sup>1</sup> ANALYSIS PERFORMED AT ACCUTEST LABORATORIES, DAYTON NEW JERSEY. MASS. CERTIFICATION NJ141

UG/L = PPB MG/L = PPM

MDL = METHOD DETECTION LIMIT

CERTIFICATIONS: MA (MA136) CT (PR-0109) NH (250293) NJ (59928) RI (A-71) ME (MA136)

# LABORATORY CHRONICLE

ACCUTEST JOB #.....P40428N

DATE SAMPLES RECEIVED.....04/06/94

ACCUTEST SAMPLE #	SAMPLE DATE	ANALYTE	METHOD	INITIAL PREP.	FINAL PREP.	TEMP. INITIALS	INITIAL ANALYSIS	REPORTED ANALYSIS	ANALYST INITIALS
B401514N	04/04/94	OIL & GREASE, GRAVIMETRIC	EPA 413.1	04/09/94	04/09/94	FSP	04/09/94	04/09/94	FSP
B401514N	04/04/94	SOLIDS, TOTAL DISSOLVED	EPA 160.1				04/07/94	04/07/94	LMM
B401514N	04/04/94	HEXANE	EPA 624M				04/11/94	04/11/94	RMD

MANAGER

DATE

2 / 18 / 94

Project No.  
107710-01

## CHAIN OF CUSTODY RECORD



398 CEDAR HILL STREET  
MARLBORO, MA 01752

WR GRACE

**Client**

**Address**

City \_\_\_\_\_ State/Zip \_\_\_\_\_

REQUESTED TURN AROUND:

APPROVED: \_\_\_\_\_

☐ OTHER:

Attention	Telephone #
-----------	-------------

☐ 1 WEEK ☐ 2 WEEKS ☐ 3 WEEKS ☒ NORMAL

[illegible]

REMARKS:



HANDEX OF NEW ENGLAND, INC., 398 Cedar Hill Street, Marlborough, MA. 01752 • (508) 481-5750 • FAX (508) 481-5159

June 28, 1994

Ms. Maryellen Johns  
W. R. Grace & Company  
55 Hayden Avenue  
Lexington, Massachusetts 02173

Re: **Monthly Monitoring Report**  
**Daramic Plant**  
**51 Independence Road**  
**Acton, Massachusetts**

Dear Ms. Johns:

This report presents a summary of ground-water monitoring at the above location between May 1, 1994 and May 31, 1994.

Please do not hesitate to contact our office if you have any questions or comments regarding this matter.

Sincerely,  
Handex of New England, Inc.

Patrick P. Barry  
Environmental Engineer

James Wagner  
Project Manager

**MONTHLY STATUS REPORT**

W. R. Grace  
Daramic Plant  
51 Independence Way  
Acton, Massachusetts

**GENERAL SITE INFORMATION**

Monitoring Period	May 1 to 31, 1994
Owner/Operator	W. R. Grace
Site Name	Daramic Plant
Site Address	51 Independence Way, Acton, MA
Permits	A groundwater injection permit is presently under review

**WELL GAUGING**

Well Gauging Dates	May 10, 1994
Water Table Elevation Contours	Observation Well Gauge Report, Appendix A
Total Product in Holding Drum	Approximately 23 gallons
Product Bailed	Approximately 0.5 gallon from D-4, 5, and 7
Liquid-phase Petroleum Thickness	Ranged from 0.01 to 1.33 feet RW-1 10.86

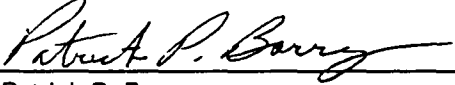

**WATER TREATMENT SYSTEM SAMPLING**

Sampling Dates	April 4, 1994
Analytical Method	Hexane (EPA 624M), Oil & Grease (EPA 413.1), Total Dissolved Solids (EPA 160.1)
Average flow rate	25.5 gallons per minute
Analytical Results	Laboratory Certificates attached with April report

**COMMENTS**

The system operated continuously during the period.

The product pump did not operate continuously during the period and was removed from the well for repair.

	
Patrick P. Barry Environmental Engineer	James Wagner Project Manager

**APPENDIX A**  
**Observation Well Gauge Report**

## OBSERVATION WELL GAUGE REPORTS

CLIENT: W.R. GRACE  
 LOCATION: ACTON-51 INDEPENDENCE ROAD  
 STATE: MA

CLIENT CODE:  
 HANDEX CODE: 107710

Print date: 6/27/94 Page 1

MONITORING DATE	WELL TYPE-#	C	PRODUCT DEPTH (feet)	WATER DEPTH (feet)	PRODUCT THICK. (feet)	PRODUCT ELEV. (feet)	GW ELEV. (feet)	CORR GW ELEV. (feet)
10-May-94	D-1		57.79	57.80	.01	137.60	137.59	137.60
10-May-94	D-2		57.10	57.36	.26	137.88	137.62	137.81
10-May-94	D-3			57.43			137.92	137.92
10-May-94	D-4		56.48	57.81	1.33	137.66	136.33	137.31
10-May-94	D-5		56.08	57.30	1.22	137.98	136.76	137.66
10-May-94	D-6		56.87	56.88	.01	138.07	138.06	138.07
10-May-94	D-7		57.51	57.84	.33	137.84	137.51	137.75
10-May-94	D-8			57.28			138.07	138.07
10-May-94	D-9			56.74			138.42	138.42
10-May-94	D-10		57.99	58.00	.01	138.19	138.18	138.19
10-May-94	D-11		58.33	58.35	.02	137.84	137.82	137.83
10-May-94	D-12			56.74			137.82	137.82
10-May-94	D-13			59.36			137.76	137.76
10-May-94	D-14			58.46			138.01	138.01
10-May-94	TF-1			53.67			137.90	137.90
10-May-94	TF-2			57.14			137.88	137.88
10-May-94	RW-1		58.60	69.46	10.86	135.22	124.36	132.40

"C"omments: [P = Pumping; N = Non-Pumping; B/A = Before/After Adjustment]  
 [I = Well Inaccessible; # = nth Monitoring Event of Day]  
 [D = Dry Well; F = Film or Trace of Product] 107710







HANDEX OF NEW ENGLAND, INC., 398 Cedar Hill Street, Marlborough, MA. 01752 • (508) 481-5750 • FAX (508) 481-5159

May 13, 1994

Ms. Maryellen Johns  
W. R. Grace & Company  
55 Hayden Avenue  
Lexington, Massachusetts 02173

Re: Quarterly Monitoring Report  
Daramic Plant  
51 Independence Road  
Acton, Massachusetts

Dear Ms. Johns:

This report presents a summary of ground-water monitoring at the above location between April 1, 1994 and April 30, 1994.

Please do not hesitate to contact our office if you have any questions or comments regarding this matter.

Sincerely,  
Handex of New England, Inc.

Patrick P. Barry  
Environmental Engineer

James Wagner  
Project Manager

# MONTHLY STATUS REPORT

W. R. Grace  
Daramic Plant  
51 Independence Way  
Acton, Massachusetts

## GENERAL SITE INFORMATION

Monitoring Period	April 1 to 30, 1994
Owner/Operator	W. R. Grace
Site Name	Daramac Plant
Site Address	51 Independence Way, Acton, MA
Permits	A groundwater injection permit is presently under review

## WELL GAUGING

Well Gauging Dates	April 4, 1994
Water Table Elevation Contours	Observation Well Gauge Report, Appendix A
Product bailed	Approximately 1 gallon
Liquid-phase Petroleum Thickness	Ranged from 0.01 to 2.85 feet

## WATER TREATMENT SYSTEM SAMPLING

Sampling Dates	April 4, 1994
Analytical Method	Hexane (EPA 624M), Oil & Grease (EPA 413.1), Total Dissolved Solids (EPA 160.1)
Analytical Results	Laboratory Certificates attached as Appendix B

## COMMENTS

The system operated continuously during the period with the exception of 4/25 through 4/26 while an evaluation of the system and repairs were completed.

*Patrick P. Barry*

Patrick P. Barry  
Hydrogeologist

*James Wagner*

James Wagner  
Project Manager

**APPENDIX A**  
**Observation Well Gauge Report**

## OBSERVATION WELL GAUGE REPORTS

CLIENT: W.R. GRACE  
 LOCATION: ACTON-51 INDEPENDENCE ROAD  
 STATE: MA

CLIENT CODE:  
 HANDEX CODE: 107710

Print date: 5/09/94 Page 1

MONITORING DATE	WELL TYPE-#	C	PRODUCT DEPTH (feet)	WATER DEPTH (feet)	PRODUCT THICK. (feet)	PRODUCT ELEV. (feet)	GW ELEV. (feet)	CORR GW ELEV. (feet)
4-Apr-94	D-1		58.28	58.44	.16	137.11	136.95	137.07
4-Apr-94	D-2		57.86	58.27	.41	137.12	136.71	137.01
4-Apr-94	D-3		57.28	57.29	.01	138.07	138.06	138.07
4-Apr-94	D-4		56.85	59.70	2.85	137.29	134.44	136.55
4-Apr-94	D-5		56.72	59.18	2.46	137.34	134.88	136.70
4-Apr-94	D-6		57.71	57.72	.01	137.23	137.22	137.23
4-Apr-94	D-7		58.07	59.50	1.43	137.28	135.85	136.91
4-Apr-94	D-8			58.23			137.12	137.12
4-Apr-94	D-9			57.83			137.33	137.33
4-Apr-94	D-10		58.90	58.92	.02	137.28	137.26	137.27
4-Apr-94	D-11		59.10	59.16	.06	137.07	137.01	137.05
4-Apr-94	D-12			57.48			137.08	137.08
4-Apr-94	D-13			60.21			136.91	136.91
4-Apr-94	D-14			59.47			137.00	137.00
4-Apr-94	TF-1			54.68			136.89	136.89
4-Apr-94	TF-2		58.08	58.09	.01	136.94	136.93	136.94
4-Apr-94	RW-1		57.63	58.49	.86	136.19	135.33	135.97

"C"omments: [P = Pumping; N = Non-Pumping; B/A = Before/After Adjustment]  
 [I = Well Inaccessible; # = nth Monitoring Event of Day]  
 [D = Dry Well; F = Film or Trace of Product] 107710




**APPENDIX B**  
**Groundwater Sampling Laboratory Certificates**

04/18/94

## TECHNICAL REPORT FOR WR GRACE

SAMPLES TAKEN AT: WR GRACE, 51 INDEPENDENCE WAY,  
CLIENT PROJECT ID: 107710-01  
ACCUTEST JOB NUMBER: 940428N  
SAMPLES RECEIVED AT ACCUTEST ON: 04/06/94  
NUMBER OF SAMPLES IN THIS REPORT: 1  
TOTAL NUMBER OF PAGES IN REPORT: 6

  
REZA TAND  
LAB DIRECTOR

NOTE: THIS REPORT SHOULD ONLY BE REPRODUCED IN FULL




HANDEX OF NEW ENGLAND  
398 CEDAR HILL ST.  
MARLBORO, MA 01752

DATE: 04/18/94  
JOB No: 940428N  
PROJECT No: 107710-01  
SAMPLE RECEIVED: 04/06/94

ATTN: J. ITALIANO

### SAMPLE SUMMARY

SAMPLE No	COLLECTED			POINT OF COLLECTION
	DATE	TIME	BY	
E401614N	04/04/94	15:00	JG	WATER - EFFLUENT, RW-1; WR GRACE, 51 INDEPENDENCE WAY, ACTON, MA

  
REZA TAND  
LAB DIRECTOR



## ANALYSIS REPORT

SAMPLE No	COLLECTED			POINT OF COLLECTION
	DATE	TIME	BY	
E401614N	04/04/94	15:00	JG	WATER - EFFLUENT, RW-1; WR GRACE, 51 INDEPENDENCE WAY, ACTON, MA

TEST DESCRIPTION	RESULT	MDL	UNITS	DATE	INIT
HEXANE	250	5.0	UG/L	04/11/94	RND

ND = NOT DETECTED

UG/L = PPB MG/L = PPM

MDL = METHOD DETECTION LIMIT

CERTIFICATIONS: MA (MA136) CT (PR-0109) NH (250293) NJ (59928) RI (A-71) ME (MA136)





## ANALYSIS REPORT

SAMPLE No	COLLECTED			POINT OF COLLECTION
	DATE	TIME	BY	
E401614N	04/04/94	15:00	JG	WATER - EFFLUENT, RW-1; WR GRACE, 51 INDEPENDENCE WAY, ACTON, MA

TEST DESCRIPTION	RESULT	MDL	UNITS	DATE	INIT
OIL & GREASE, GRAVIMETRIC	<5.1	5.1	MG/L	04/08/94	RSP
SOLIDS, TOTAL DISSOLVED <sup>1</sup>	150	10	MG/L	04/07/94	LMM

<sup>1</sup> ANALYSIS PERFORMED AT ACCUTEST LABORATORIES, DAYTON NEW JERSEY. MASS. CERTIFICATION NJ141

UG/L = PPB MG/L = PPM

MDL = METHOD DETECTION LIMIT

CERTIFICATIONS: MA (MA136) CT (PB-0109) NH (250293) NJ (59928) RI (A-71) ME (MA136)

# LABORATORY CHRONICLE

ACCUTEST JOB #.....940428N

DATE SAMPLES RECEIVED.....04/06/94

ACCUTEST SAMPLE #	SAMPLE DATE	ANALYTE	METHOD	INITIAL PREP.	FINAL PREP.	PREP. INITIALS	INITIAL ANALYSIS	REPORTED ANALYSIS	ANALYST INITIALS
E401614N	04/04/94	OIL & GREASE, GRAVIMETRIC	EPA 413.1	04/08/94	04/08/94	FSP	04/08/94	04/08/94	FSP
E401614N	04/04/94	SOLIDS, TOTAL DISSOLVED	EPA 160.1				04/07/94	04/07/94	LMM
E401614N	04/04/94	BENZENE	EPA 824M				04/11/94	04/11/94	PND

MANAGER

DATE

2 / 18 / 94

WR GRACE

**Client**

**Address**

City \_\_\_\_\_ State/Zip \_\_\_\_\_

Attention Telephone #

## CHAIN OF CUSTODY RECORD



398 CEDAR HILL STREET  
MARLBORO, MA 01752

REQUESTED TURN AROUND:

☐ 1 WEEK ☐ 2 WEEKS ☐ 3 WEEKS ☒ NORMAL

APPROVED: \_\_\_\_\_

☐ OTHER:

[illegible]

REMARKS:

W.R. GRACE Co.  
OIL RECOVERY PROGRAM

ACTON,MA.

Month	Gallons	Daily Ave.	Days	Gallons Recovered YTD	
-Dec-91	11.50	0.30		28,262.80	
21-Jan-92	10.60	0.23	46.0	28,273.40	
03-Feb-92	12.70	0.98	13.0	28,286.10	
06-Mar-92	19.60	0.61	32.0	28,305.70	
10-Apr-92	23.40	0.67	35.0	28,329.10	
06-May-92	18.80	0.72	26.0	28,347.90	
04-Jun-92	13.40	0.46	29.0	28,361.30	
07-Jul-92	35.10	1.06	33.0	28,396.40	1992
05-Aug-92	17.00	0.59	29.0	28,413.40	total gallons recovered
03-Sep-92	18.40	0.63	29.0	28,431.80	205.40
08-Oct-92	14.00	0.40	35.0	28,445.80	
05-Nov-92	0.00	0.00	28.0	28,445.80	
10-Dec-92	22.40	0.64	35.0	28,468.20	
06-Jan-93	11.20	0.41	27.0	28,479.40	
03-Feb-93	12.80	0.46	28.0	28,492.20	
10-Mar-93	0.00	0.00	35.0	28,492.20	
09-Apr-93	27.60	0.92	30.0	28,519.80	
11-May-93	0.00	0.00	32.0	28,519.80	1993 YTD
Jun-93	0.00	0.00	30.0	28,519.80	total gallons recovered
08-Jul-93	27.40	0.98	28.0	28,547.20	152.00
23-Aug-93	33.00	0.72	46.0	28,580.20	
16-Sep-93	*	0.00	24.0	28,580.20	
06-Oct-93	*	0.00	20.0	28,580.20	
03-Nov-93	24.00	0.50	48.0	28,604.20	
10-Dec-93	16.00	0.43	37.0	28,620.20	
05-Jan-94	12.00	0.46	26.00	28,632.20	
22-Feb-94	4.10	0.09	48.00	28,636.30	
16-Mar-94	2.47	0.11	22.00	28,638.77	1993 YTD
30-Apr-94	4.89	0.11	45.00	28,643.66	total gallons recovered
31-May-94	3.92	0.13	31.00	28,647.58	59.68
08-Jul-94	32.30	0.85	38.00	28,679.88	

TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATION  
TOWN MANAGER'S OFFICE

\*\*\*\*\*

DATE: August 1, 1994

TO: Roland Bartl/Donna Jacobs  
FROM: Don P. Johnson, Town Manager  
SUBJECT: MPO Transportation Plan

Attached is a questionnaire from the Boston MPO regarding the Transportation Plan. Since the Board of Selectmen does not work closely with this plan, your recommendations for comments from the Chairman of the Board would be most helpful.

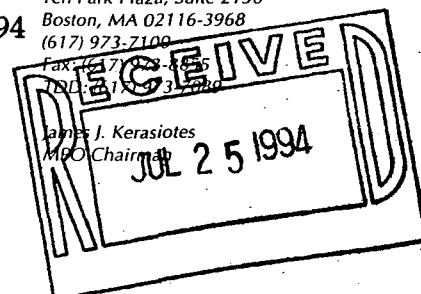
Please prepare a set of draft comments for the Board to review at their next meeting (August 16). Retain the originals so you may complete the forms after the Selectmen have had an opportunity to review your draft comments, please.



cc: Board of Selectmen

July 19, 1994

State Transportation Building  
Ten Park Plaza, Suite 2150  
Boston, MA 02116-3968  
(617) 973-7100



Norman Lake, Chairman  
Acton Board of Selectmen  
472 Main Street  
Acton, MA 01720

Dear Mr. Lake:

Last year your organization participated in the development of the Transportation Plan for the Boston Region, either by attending one of the public presentations or by submitting written comments. Many thoughtful and useful comments were received, which helped to improve the final adopted plan. Although the large volume of testimony and letters does not allow for a personal response to each individual or organization that participated, on behalf of Secretary Kerasiotes I would like to express his appreciation for your organization's efforts.

The MPO has recently developed a plan to further enhance public participation in transportation planning. As part of that effort, I would like to request your continuing help as the MPO revises the Transportation Plan. Enclosed is a questionnaire, asking for your opinions about various elements of the Transportation Plan—what we did right, what we could do better, and any suggestions as to how to improve the Plan or the planning process. I encourage you to take a few minutes to complete and return the questionnaire, or any portion thereof, so that the MPO can have the benefit of your input.

By receipt of this letter, you are ensured of having been placed on the MPO's mailing list of interested parties. This list will be used in the future to inform you of important transportation issues, and public meetings and presentations thereon.

Thank you again for your involvement last year. I look forward to your continuing involvement in the coming months.

Sincerely,

Daniel F. Beagan  
MPO Executive Secretary



The MPO members:  
Executive Office of Transportation & Construction,  
Commonwealth of Massachusetts  
Massachusetts Highway Department  
Massachusetts Bay Transportation Authority  
Massachusetts Bay Transportation  
Authority Advisory Board  
Massachusetts Port Authority  
Metropolitan Area Planning Council

**QUESTIONS ON THE 1993 TRANSPORTATION PLAN  
FOR THE BOSTON REGION**

**Questions for All Participants**

I. *Questions 1 through 3 relate to the Plan's vision, goals, and policies. Please refer to pages 3-1 through 3-11 prior to answering these questions.*

1. Does the vision stated on page 3-1 adequately address the needs of the Boston region through the year 2020? (\_\_\_yes \_\_\_no) If not, please provide an example of a vision or visions that you feel would more adequately serve the region's needs. \_\_\_\_\_

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2. Do the goals presented on page 3-2 clearly relate to, and further, the plan's vision? (\_\_\_yes \_\_\_no) Are there any additional goals that you feel should be incorporated into the plan, or any current goals that should be deleted? (\_\_\_yes \_\_\_no) If so, please provide a specific justification for each addition or deletion. \_\_\_\_\_

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3. Do the policies established on pages 3-3 through 3-10 clearly relate to, and further, the plan's vision and goals? (\_\_\_yes \_\_\_no) Are there any additional policies that you feel should be incorporated into the plan, or any current policies that should be deleted? (\_\_\_yes \_\_\_no) If so, please provide a specific justification for each addition or deletion. \_\_\_\_\_

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II. *Question 4 relates to public involvement. Please refer to pages 4-1 through 4-8 prior to answering this question.*

4. Is the process for public involvement adequate to serve the needs of the general public and the various interest groups involved in the transportation planning process? (\_\_\_yes \_\_\_no) If not, do you have any suggestions as to how the process can be revised to better serve the public? \_\_\_\_\_

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III. Questions 5 and 6 relate to *environmental issues*. Please refer to pages 5-1 through 5-19 prior to answering these questions.

5. Are the key environmental goals and policies stated on page 5-1 sufficient to adequately address the needs of the region through the year 2020? (\_\_\_yes \_\_\_no) Are there any additional goals or policies that you feel should be incorporated into the plan, or any that should be deleted? (\_\_\_yes \_\_\_no) If so, please provide a specific justification for each addition or deletion. \_\_\_\_\_

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6. The Plan discussed various measures that relate to environmental quality (e.g., bicycle and pedestrian programs). Is there any additional information regarding these measures or any others not discussed by the Plan that you feel should be discussed? (\_\_\_yes \_\_\_no) If so, please provide a specific justification for each addition or deletion. \_\_\_\_\_

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IV. Questions 7 and 8 relate to *deficiencies of the existing transportation system*. Please refer to pages 6-1 through 6-48 prior to answering these questions.

7. Based upon the chapter's discussion of the management systems, do you understand the relationship between the management systems and future transportation planning? (\_\_\_yes \_\_\_no) If so, do you feel that the systems are adequately integrated into future decision-making? \_\_\_\_\_

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8. Does Chapter 6 adequately address existing conditions with regard to each transportation mode? (\_\_\_yes \_\_\_no) If not, please provide specific examples of issues that you feel need to be further addressed or additionally included. \_\_\_\_\_

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V. Questions 9 & 10 relate to *strategies for planning the future transportation system*. Please refer to pages 7-1 through 7-32 prior to answering these questions..

9. Is the future role of various transportation modes adequately documented? (\_\_\_yes \_\_\_no) If not, what additional information would be useful? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Do you agree with the choice of the multimodal scenario as the primary basis for future transportation planning in the region? (\_\_\_yes \_\_\_no) Please specify your reasons for either agreeing or disagreeing with this choice.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

VI. Questions 11 through 13 relate to *procedures for selecting projects for inclusion in the Transportation Improvement Program*. Please refer to pages 8-1 through 8-28 prior to answering these questions.

11. Does Chapter 8 adequately explain the process through which projects will be selected for inclusion in the Transportation Improvement Program (TIP)? (\_\_\_yes \_\_\_no) If not, please specify additional information which you feel needs to be included in this explanation. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. Does the chapter adequately document the total cost of future transportation projects and the cost of the projects contained in each category? (\_\_\_yes \_\_\_no) If not, please specify additional information which you feel needs to be included. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. Does the chapter adequately define the relationship between the Plan and the TIP? (\_\_\_yes \_\_\_no) If not, please specify additional information which you feel needs to be included. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

VII. Questions 14 relates to the financial plan. Please refer to pages 9-1 through 9-14 prior to answering this question.

14. Do you agree with the procedure used in Chapter 9 for forecasting future revenue? (\_\_\_yes \_\_\_no) If not, please explain your objections and/or specify the procedure(s) which you feel would more adequately predict future revenue. \_\_\_\_\_

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VIII. Question 15 relates to strategies and steps for revising the Plan. Please refer to pages 10-1 through 10-12 prior to answering this question.

15. Are there any additional future steps that you feel should be incorporated into the planned revision(s), or any that should be deleted? (\_\_\_yes \_\_\_no) If so, please provide a specific justification for each addition or deletion. \_\_\_\_\_

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**Please feel free to provide any additional comments on the Transportation Plan, any future revisions thereto, or the overall transportation planning process in the space provided below and on pages 5 and 6.**

TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATION  
TOWN MANAGER'S OFFICE

\*\*\*\*\*

DATE: August 1, 1994

TO: Norm Lake, Chairman, Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: Local Health 2000 Commission

Three (3) different surveys in the subject regard were sent under a single cover, addressed to the Chairman of the Board of Selectmen. Two of these deal with statistical information so I am transmitting them with a copy of this memo to Doug Halley for completion and return to the Commission. The third seems to want the individual comments of the Chairman of the Board of Selectmen so I have attached the original for you to complete or assign as you see fit.



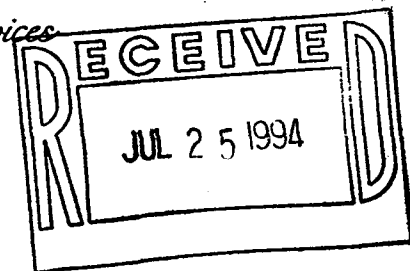
cc: Doug Halley  
Board of Selectmen

NOTE TO CHRISTINE JOYCE:

Please attach originals of yellow and green survey forms to Doug' copy. Attach original of blue form to Norm Lake's. Attach copies of blue form for BOS' copies.



*The Commonwealth of Massachusetts*  
*Executive Office of Health and Human Services*  
*Department of Public Health*  
*150 Tremont Street*  
*Boston 02111*



William F. Weld  
Governor  
Charles D. Baker  
Secretary  
David H. Mulligan  
Commissioner

LOCAL HEALTH 2000 COMMISSION

July 19, 1994

Norman Lake, Chairman  
Board of Selectmen  
472 Main Street  
Acton, MA 01720

Dear Mr. Lake:

The future of public health programs and services in our local communities statewide is of vital concern to the Local Health 2000 Commission sponsored by the Massachusetts Department of Public Health (MDPH) in cooperation with the Massachusetts Association of Boards of Health (MAHB) and the Massachusetts Health Officers' Association (MHOA).

We are surveying all local board of health chairpersons who, along with health agents and a statewide sample of other municipal officials, service providers, and civic leaders, will help us know more about (1) the history and status of local public health, (2) the challenges faced by local health officials and service providers, and (3) the scope of public health functions across the Commonwealth.

It is expected that by December, 1994, the Commission's research will generate a "snapshot" of local health in 1994 and provide information and guidance for local health officials and service providers statewide involved in establishing local health policy.

MDPH staff who are serving as members of your local Community Health Network (CHNA) will be available to answer any questions you may have about the Community Health Network or the local health survey, and will be prepared to assist you in completing the survey as needed. The process should take less than an hour. Please expect to hear from Gwen O'Sullivan within ten days.

We deeply appreciate your taking the time to assist us and the other members of the Commission in conducting this survey.

Sincerely,

*David Mulligan*  
David Mulligan  
Commissioner

*Paul Jacobsen*  
Paul Jacobsen, Pres.  
MAHB

*Phyllis Boucher*  
Phyllis Boucher, Pres.  
MHOA

If you have any questions, please do not hesitate to call me  
at 727-2665.  
Gwen O'Sullivan

**THE MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH**  
in cooperation with the

**MASSACHUSETTS ASSOCIATION OF BOARDS OF HEALTH**  
and the  
**MASSACHUSETTS HEALTH OFFICERS' ASSOCIATION**  
and under the auspices of the

**LOCAL HEALTH 2000 COMMISSION**  
and the statewide  
**COMMUNITY HEALTH NETWORKS**

is conducting a statewide census and sample survey of local public health needs and services that will help the Commission and the 27 Community Health Networks develop a "snapshot" of public health on the local, regional, and statewide level, document trends in local public health services since 1980, and (after a series of regional public forums scheduled for the fall) produce a set of recommendations with adaptable core public health functions for state and local officials to use in developing strategies to improve the health status of local residents statewide.

**LOCAL HEALTH CENSUS & SURVEY**

With assistance from staff from the Massachusetts Department of Public Health working in each of the 27 Community Health Network Areas (CHNA) statewide

(1) municipal health officials in all 351 cities and towns are being asked to provide basic information about the structure, composition, and scope of the local board of health/health department ("the census"), and

(2) selected local officials, public health providers, and civic leaders in a stratified subset of 107 municipalities representative of communities statewide by region, population size, and per capita income are being asked to participate in a survey of local health issues and concerns ("the survey").

Information collected through both the census and survey process will be analyzed and reported in the aggregate across CHNA, by region, or statewide, **not** by individual municipality. Census and survey materials will be made available to local officials in advance of a telephone or in-person interview conducted during the summer by DPH staff assigned to a local CHNA.

**THE PUBLIC FORUMS**

In the fall, five regional forums will be sponsored by the Local Health 2000 Commission in conjunction with the Community Health Networks statewide in order to solicit local input on public health needs and services as identified by the Commission through the survey process. Information about these events will be available through your local Community Health Network.

## LOCAL HEALTH 2000 STUDY

### Guide for Completing the 'Survey' Form

#### **Process**

You are encouraged to complete as much of this form as you feel comfortable with, prior to your appointment with DPH staff person identified in the accompanying letter.

#### **Tips**

This form asks for your own opinions - not those of your board, department, agency or organization - across several areas of public health, including the environment, sanitation, and personal health. Few people have experience or knowledge in all of areas of public health. You should feel free, therefore, to answer that you have "no information" where appropriate. We encourage you to work across the form, so that you respond to the questions in all three columns for the first item before moving on to the second item.

#### **Definitions (partial list, in order of appearance on the form)**

- **Respondent code:** enter the appropriate code number based on who completed the form  
2 = health officer; 3 = BOH chair; 4 = municipal official; 5 = civic leader; 6 = public health provider  
(if other than these choices, enter "9" and explain underneath)
- **Priority:** how important is this item relative to other public health concerns, in your own judgment
- **Other public:** local, state or federal agency, department, etc. other than the BOH
- **Other private:** not-for-profit, for-profit, or community organizations, agencies, or institutions other than public
- **No one:** response if you are knowledgeable on the subject and believe no one is addressing it
- **Livestock:** farm animals, stables, etc.
- **Other communicable diseases:** e.g. hepatitis, measles, chicken pox, etc.
- **Chronic diseases:** e.g., cancers, heart disease, hypertension, osteoporosis, etc.
- **Studies/research:** cancer cluster analysis, etc.

#### **Page 2:**

- **Private sewage:** septic systems
- **Solid waste:** landfills, transfer stations, incinerators
- **Medical waste:** e.g., biological waste, syringes, and incineration
- **Radiation control:** monitoring, medical and lab equipment, tanning parlors
- **Identification/labeling of toxic substances:** e.g., pesticides, other chemicals
- **Maternal/Child health:** prenatal care, obstetrics, etc.
- **Women's health:** family planning, rape crisis, gynecology, etc.
- **School health:** e.g., health education, school clinics, etc.
- **Nutrition:** nutrition education, nutrition counseling, WIC (Women, Infant & Children's nutrition program)
- **Dental health:** general dentistry and fluoride treatment programs

#### **Page 3:**

- **Minority/Immigrant health:** access to services and interpreters, and culturally appropriate services, etc.
- **Access-People with disabilities:** eliminating physical & communication barriers to services/programs, e.g. entry ways, bathrooms and TTD/TTY, sign language interpreting, print size, etc.
- **Primary care:** family practice, pediatrics, internal medicine, including physician assistants, nurse practitioners, etc.
- **Long-term care:** nursing homes, long-term home health care for chronic conditions, etc.
- **Violence prevention:** domestic (child, partner) and community (schools, streets) violence, etc.
- **Alcohol/other drugs:** prevention education, detox, residential treatment, outpatient counseling & treatment, etc.
- **Tobacco control:** policies/regulations, smoking cessation and prevention education programs
- **Lead poisoning control:** child screening, house testing and abatement, lead in water and soil
- **Recreation areas/facilities:** camps, pools, beaches, etc.
- **Emergency medical services:** e.g., ambulances, emergency medical systems, services and training, etc.
- **Public health nuisances:** e.g., dangerous vacant lots, non-agricultural odors, run-off pollution, etc.
- **Massage establishment regulation:** establishing local regulations for licensing facilities and operators
- **Public health emergency response:** planning for and responding to public health emergencies such as accidents involving toxic substances, natural disasters, etc.

Thank you for your participation.

# LOCAL HEALTH COMMISSION 2000 SURVEY

TOWN NAME: \_\_\_\_\_ TOWN CODE: \_\_\_\_\_ CHNA #: \_\_\_\_\_ RESPONDENT CODE: \_\_\_\_\_ INTERVIEWER: \_\_\_\_\_

	For ensuring the public health in your community, what <u>priority</u> would you give to local services/programs related to _____?						To what degree do you feel that the needs around _____ are being met in this community?						For your community, who is currently <u>addressing</u> the needs in this service/program area? [circle all that apply]					
	Not Needed	Low Priority			High Priority	No Info.	N/A	Not met at all	Partially met	Fully met	No Info.	BOH directly	BOH via contract	Other public	Other private	No one	No Info.	
<b>Animal/Vector Control</b>																		
Animal bites/rabies	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Livestock	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Rodent control	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Mosquitoes	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Ticks/Lyme Disease	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
<b>Disease Prevention/Reporting/Control</b>																		
<b>Communicable Disease</b>																		
TB	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
HIV/AIDS	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Other STD's	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Other commun. diseases	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
<b>Immunizations</b>																		
Childhood shots	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Flu shots	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
<b>Chronic Diseases</b>																		
Prevention / Education	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Screening / Testing	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Studies / Research	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI

	For ensuring the public health in your community, what priority would you give to local services/programs related to _____?						To what degree do you feel that the needs around _____ are being met in this community?						For your community, who is currently addressing the needs in this service/program area? [circle all that apply]					
	Not Needed	Low Priority			High Priority	No Info.	N/A	Not met at all	Partially met	Fully met	No Info.		BOH directly	BOH via contract	Other public	Other private	No one	No Info.
<b>Environmental</b>																		
Private Sewage Disposal	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Solid Waste Disposal	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Recycling	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
<b>Water Supply</b>																		
Public Water Quality	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Private Wells	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Fluoridation	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Air Quality - outdoors	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Air Quality - residential	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Air Quality - workplace	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Noise Control	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Sub-division Plan Review	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
<b>Hazardous/Toxic Substances</b>																		
<b>Hazardous Waste Disposal</b>																		
Hazardous Waste Sites	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Household H.W. Disp.	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Medical Waste Disposal	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Occupational Safety	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Radon	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Radiation Control	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Identif./Label Toxic Subst.	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
<b>Prevention/Promotion/Treatment</b>																		
Maternal/Child Health	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Women's Health	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
School Health	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Nutrition	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Dental Health	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI



	For ensuring the public health in your community, what priority would you give to local services/programs related to _____?						To what degree do you feel that the needs around _____ are being met in this community?						For your community, who is currently addressing the needs in this service/program area? [circle all that apply]					
	Not Needed	Low Priority			High Priority	No Info.	N/A	Not met at all	Partially met	Fully met	No Info.		BOH directly	BOH via contract	Other public	Other private	No one	No Info.
Elder Health	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Minority / Immigrant Health	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Access-People w/ Disabilities	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Primary Care Services	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
In-patient Medical Services	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Long-term Care	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Home Health Care	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Hospice Care	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Violence Prevention	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Mental Health	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Alcohol/Other Drugs	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Tobacco Control	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
<b>Community Sanitation</b>																		
Lead Poisoning Control	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Housing	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Food Protection																		
Food-borne illness cmlpt	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Routine insp. of food estb	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Recreation areas/facilities	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Public Health Nuisances	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
<b>Miscellaneous</b>																		
Emergency Med. Services	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Massage Estab. Regulation	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Public Health Emerg. Resp.	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Cemetery/Burial/Cremation	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI
Other (please specify)	0	1	2	3	4	NI	N/A	1	2	3	4	NI	1	2	3	4	5	NI

cc: BOS

TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATION

August 1, 1994

TO: Doug Halley, Health Director

FROM: Dean A. Charter, Municipal Properties Director *DAC*

SUBJECT: Mosquito fogging reporting

This is to follow up on the conversation you and I had with the Town Manager last Wednesday, regarding the most expeditious fashion in which this Department can report to the Board of Health on how we are progressing with our fogging cycles.

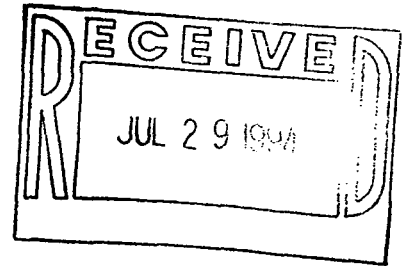
Starting immediately, the operators will plot their applications according to the voting precinct maps, which are actually fairly close to the boundaries we have fogged to in the past. Each precinct will take approximately two nights to complete, so we will fog to a certain point each night, and report back. For example, last Wednesday night we fogged Precinct 3 south of Massachusetts Avenue, (as the start of the third cycle), and tonight we are planning to fog Precinct 3 north of Massachusetts Avenue, and perhaps the west portion of Precinct 4. As has been our past practice, we will start each cycle in the extreme Southwestern corner of town and work our way East and North. We will fog Precinct 3, then 4, then 5, then 2, and Precinct 1 last. We will only fog Monday night through Friday night, starting around sunset and continuing until Midnight. Weather conditions must be calm and dry (not raining). We will vary from the schedule if we have an outdoor function that we have to fog for, such as the Town Fair or Graduation. The operators will continue to write up a list of the streets fogged each night, and will additionally list the precinct portion worked in each night.

As per our agreement, I will report to you each morning after we have fogged and let you know which area has been done, and which area will be done on the next night that we go out. I will also forward all questions about the progress of work to your office.

cc.:

Town Manager  
Fogger Operators

DAC/434



ACTON COMMUNITY HOUSING CORPORATION  
P.O. BOX 681  
ACTON, MASSACHUSETTS, 01720  
(508)263-4776

August 12, 1994

Dear Prospective Neighbors:

On August 22, 1994 at 8:30 pm the members of the Acton Community Housing Corporation (ACHC) along with John McBride of Commons Development will be meeting with the Acton Planning Board to discuss the preliminary plans of a new condominium development being proposed on a 28 acre site off Harris Street. Mr. McBride is proposing to build 116 Townhouses of which 25% will be sold to First Time Homebuyers.

The Acton Community Housing Corporation has been designated by the Acton Selectmen as the Town's agent to develop affordable housing. Our primary mission is to provide affordable housing to town employees and adult children of Acton residents who are First Time Buyers.

As possible future neighbors to the development we felt that you might be interested in this first public presentation before the Planning Board.

If any resident is interested in working with the members of the ACHC in furthering the goals of affordable housing we would be happy to hear from you.

Sincerely,

Naomi E. McManus  
Clerk, ACHC

cc: Acton Planning Board  
Acton Selectmen

JOHN MURRAY -  
NANCY T. WILL BE  
NEEDING THE INFO. ON  
THE LEXHAB APPROACH.

cc: BOS

cc: BOS -  
INTERNAL MEMOS, FYI

~~ATT~~

Jonathan Bosworth  
29 Main Street  
Acton, MA 01720  
508/264-0584

July 12, 1994

Mr. Doug Halley, Director of Public Health  
Acton Board of Health  
472 Main Street, Town Hall  
Acton, MA 01720

Dear Doug:

I am sure that you can understand my surprise at the turn in the mosquito control issue evident at last Monday night's meeting. We went from a plan to limit the exposure of the townspeople to a known neurotoxin for no demonstrable gain to a plan to "study" the issue for five more months, with the implied result that by then perhaps nothing need be changed.

This is a stance that I find intolerable. I am technically trained, not politically trained. I cannot imagine myself sitting through this period of rehashing the data we already have in excess, the clear summary of which shows that we are exposing the total population of the town to a poison in the hope that it will reduce a minor nuisance temporarily. There was not a shred of evidence anywhere that we are poisoning the town to reduce a health risk.

How can a body called the Board of Health allow such practices to continue? I cannot in good conscience allow myself to be associated with this position.

It is true that the Board of Health only sets policy, the town as a whole must decide at Town Meeting whether, or if, mosquito control should be funded.

Please accept my resignation immediately. Perhaps the Town of Acton can find a new member for the Board of Health who is more willing to risk the health of the town for at best a minor and temporary reduction in the population of adult mosquitoes.

Best regards,

Jonathan Bosworth

cc: Board Of Selectman, Town Manager

day after last  
meeting. we have  
not received a letter  
directly. This letter was  
provided by the acton  
citizen

*[Signature]*  
7/20/94

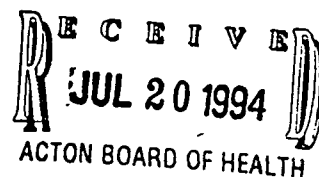
TO DOUG HALLEY OR HEATHER MEYER  
BOARD OF HEALTH

HEATHER/DOUG

FAXED THE ATTACHED AS A  
REPLY TO JOHN BOSWORTH'S  
RESIGNATION LETTER TO SALLY  
FINK OF ACTON CITIZEN NEWSPAPER.  
ON 7/19/94. FOR YOUR INFO.

- Bill

PAGES SENT: 2



I WAS SADDENED TO LEARN OF THE RESIGNATION OF JOHNATHAN BOSWORTH. JOHN HAS THE LONGEST SERVICE ON THE BOH, HAVING SERVED WITH DISTINCTION FOR FIVE YEARS. HE WAS FORMERLY BOARD CHAIRMAN, AND WAS CURRENTLY VICE-CHAIRMAN. I, THE BOH, AND THE TOWN OWE JOHN OUR SINCERE THANKS FOR HIS MANY YEARS OF PUBLIC SERVICE.

I HAVE SPOKEN WITH JOHNATHAN AND UNDERSTAND HIS POSITION ON MOSQUITO CONTROL. WHILE THIS IS NOT THE POSITION CURRENTLY SHARED BY A MAJORITY OF THE BOARD MEMBERS, IT IS UNFORTUNATE THAT WE WILL NOT HAVE HIS INPUTS TO BALANCE A FUTURE POLICY STATEMENT. AS VICE-CHAIRMAN, TRADITIONALLY HE WOULD HAVE BEEN OFFERED THE POSITION OF CHAIRMAN FOR THE TERM STARTING AUGUST 1. THIS POSITION WOULD HAVE ENABLED HIM TO HAVE A SUBSTANTIAL ROLE IN SHAPING BOARD OF HEALTH POLICY. I ASKED IF HE WOULD RE-CONSIDER HIS RESIGNATION, BUT HE INDICATED HE COULD NOT CONTINUE AS A MATTER OF PRINCIPLE.

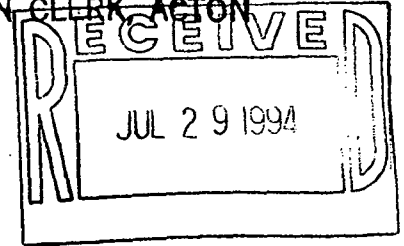
THEREFORE ON BEHALF OF THE ENTIRE BOARD, AND THE ACTON HEALTH DEPARTMENT, I WISH TO THANK JOHNATHAN FOR HIS MANY YEARS OF SERVICE, AND WISH HIM WELL IN THE FUTURE.



RECEIVED & FILED

DATE July 28, 1994

Barbara Brown  
for TOWN CLERK, ACTON



DECISION ON THE PETITION OF  
JAMES FENTON FOR LAWSBROOK, INC.  
98 CHARTER ROAD, ACTON, MASSACHUSETTS

DECISION #94-3

A public hearing of the Board of Appeals was held in the Town Hall on Monday, March 21, 1994 at 7:45 PM and continued on Monday, May 2, 1994 at 7:30 PM, both in Room 126, Acton, Massachusetts on the Petition of James Fenton for Lawsbrook, Inc., 98 Charter Road, Acton, Massachusetts, for a **SPECIAL PERMIT TO REMOVE EARTH MATERIALS** from 25 Lawsbrook Road, Acton, Massachusetts, Map H4/Parcels 116, 127 and 128, a.k.a. Lawsbrook Village PCRC Subdivision.

Board members present for both hearings were Malcolm Burdine, Chairman; Stephen Crockett, Acting Clerk; and Janet Clark, Alternate Member. Also present for both hearings were Valerie Sipprelle, Board of Appeals Secretary; and Garry Rhodes, Building Commissioner. Present for the first hearing only were James Fenton, Petitioner; Nancy Sherburne; Karl Brace; Farooq and Bertta Siddigne; Robert Hurd; Daniel Gaposchkin; Douglas Burman; Kathy Quinn; Carlton Troupe; Irene Freidel; Marion Maxwell; Dara Strong; Ronald Parenti; Allen Nelson; Richard Harrington; John MacLeod; and Bruce Stamski. Present for the continuation of the first hearing only was Richard Berry, an Associate Member of the Board of Appeals who was not sitting for this Petition.

Mr. Burdine opened the first hearing and the continuation; read the petition; noted the file contents; read an Interdepartmental Communication from Roland Bartl, AICP, Town Planner dated 3/2/94 and from Doug Halley, Health Director dated 3/18/94; and verified that the abutters had been notified by certified/return receipt mail. Submitted to the Board at the time of the first hearing was a report dated 2/14/94 prepared by Stamski and McNary, Inc. for Lawsbrook, Inc. entitled **EARTH REMOVAL PETITION**.

The Board of Appeals, after considering the materials submitted with the petition together with the information developed at the public hearing, finds that:

- (1) The Board's question raised during the first hearing relative to which of the Town's Boards has jurisdiction over earth removal special permits culminated in a letter from Board Member Stephen Crockett dated 3/22/94 to Garry Rhodes, Building Commissioner. A response to Mr. Crockett's letter was received from Mr. Acheson H. Callaghan of the firm Palmer & Dodge, acting in the capacity of Town's Counsel. Mr. Callaghan responded in two letters, one dated 4/4/94 and the other dated 4/14/94. Mr. Callaghan concluded that: (a) The key provision for jurisdiction is found in the Acton Zoning Bylaw, section 3.2.3 which requires both a special use permit from the Board of Appeals and site plan approval from the Board of Selectmen; and (b) without a definitive subdivision approval, the primary land use would be earth removal which is not an allowed use in this zoning district.
- (2) The Board concurs with the conclusions offered by Mr. Callaghan in his 4/4/94 and 4/14/94 letters.

As a result of the above findings, the Board of Appeals concludes that:

- (1) The Petition amounts to a "use variance" for all practical purposes since the primary use is earth removal until a definitive subdivision plan has been approved. Earth removal as a primary use in the zoning district in question is not allowed. The Board does not have the authority to grant "use variances".

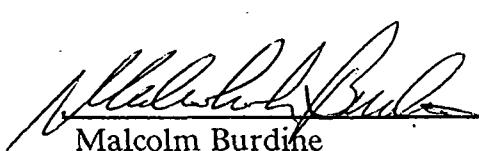
Based upon the findings and conclusions, the Board voted unanimously to DENY the PETITION FOR A SPECIAL PERMIT TO REMOVE EARTH MATERIALS.

The application for a special permit in this case was filed with the Board on February 14. The Board held a public hearing on March 21, which was continued until May 2. On that date, the Board voted 3 to 0 to deny the permit. The issue of the deadline for decision was discussed at the May 2 meeting, but no written agreement between the applicant and the Board was filed.

On July 14 the applicant filed a notice with the Town Clerk asserting that the permit had been constructively granted by the Board's failure to act on it within ninety days of March 21, which as the first hearing day. We have been advised by Town Counsel that the deadline for decision is measured from the last date of a continued hearing. Measured from May 2, the deadline for decision in this case would be July 29, and the present decision would be timely. The Board has also been advised by Town Counsel that even if the deadline for a decision is measured from March 21, the application cannot be deemed to have been constructively approved because the applicant did not file notice of such approval within fourteen days of the expiration of ninety days from March 21. The Board is, therefore, preparing and filing this decision within ninety days from May 2 to avoid any claim that its failure to do so will result in constructive approval of the application.

Any persons aggrieved by this decision may appeal pursuant to the provisions of Massachusetts General Laws, Chapter 40A, Section 17, within twenty (20) days after this decision is filed with the Acton Town Clerk.

TOWN OF ACTON  
BOARD OF APPEALS

  
Malcolm Burdine  
Chairman

  
Stephen Crockett  
Acting Clerk

  
Janet Clark  
Alternate Member

I certify that copies of this decision have been filed with the Acton Town Clerk and Planning Board on July 28, 1994.

  
Valerie Sippelle  
Secretary - Board of Appeals



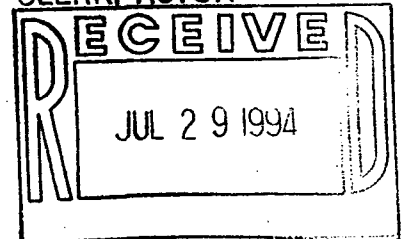


MASSACHUSETTS  
BOARD OF APPEALS

RECEIVED & FILED

DATE July 28, 1994

Barbara Brown  
for TOWN CLERK, ACTON



DECISION NO. 94-9

DECISION ON THE PETITION BY LOUIS N. LEVINE FOR  
GLEN AND J. BROOK NICHOLS, 26 JACKSON DRIVE, ACTON

A public hearing of the ACTON BOARD OF APPEALS was held in Room 126 of the Acton Town Hall, Acton, Massachusetts on Monday, June 6, 1994 at 7:45 PM on the petition by Louis N. Levine for Glen and J. Brook Nichols, 26 Jackson Drive, Acton for a PETITION FOR A VARIANCE from the requirements of Section 3.8.1.5 of the Zoning Bylaw, to allow the existing common driveway to serve as access for Lot 8, 26 Jackson Drive, Acton, Map E3/Parcel 87.

Members of the Board of Appeals present were Duncan Wood, Chairman; Janet Clark, Acting Clerk; and Nicholas Miller, Alternate Member; and Valerie Sipprelle, Board of Appeals Secretary. Also present were Garry Rhodes, Building Commissioner; Glen Nichols, Petitioner; Louis Levine, attorney for Petitioners; Mark Donahue, William Nelson, Phyllis Wahl, Irene and Allan Musick, Paul and Mary Refuse, Isabella Choate, Tina and David Kaplan, and Charles Kadison.

Mr. Wood opened the hearing, introduced the Board Members, read the petition, noted file contents, and explained hearing procedures.

The Board of Appeals, after considering the materials submitted with the petition together with the information developed at the public hearing, finds that:

- (1) A common drive easement was established in 1984 at the time that the lots were subdivided and homes were built on Lots 9 and 10. Although the easement extends to the edge of Lot 8, the construction of the graded and paved driveway does not currently extend beyond the garage area on Lot 10
- (2) The petitioner's request for a variance seeks to allow continued use of the existing portion of the driveway to the vicinity of the garage on Lot 10, and to then extend the driveway to serve Lot 8. The variance seeks relief from certain, but not

all, of the design or construction standards set forth in Section 3.8.1.5.

) The specific sub-sections from which a variance is sought are 3.8.1.5 e,f,l,m, and . A letter from Mr. Levine to the Board of Appeals dated June 2, 1994 discusses each of the sub-sections for which a variance is sought and provides the petitioner's argument on the need and basis for relief.

(4) There is no absolute impediment to construction of a driveway in accordance with Section 3.8.1.5. The arguments presented by the petitioner and others present at the hearing relate to the impact on existing trees, the cost of the effort to fully meet the requirements of the by-law, the limited need for a sidewalk at that isolated location, and the adequacy of the design of the existing driveway.

As a result of the above findings, the Board of Appeals concludes that:

(1) The existing driveway can serve Lot 10 without a complete reconstruction of the existing portion. The new construction should include repairs to the existing driveway as required, and an extension to lot 10 that complies with nearly all current design standards.

) A sidewalk is not needed at the side of this cul-de sac.

(3) The existing easement width is adequate for the three house driveway.

(4) Based on the presence of a wetland area in the portion of the Lot <sup>25</sup> that extends to the STREET, the construction of an independent driveway to serve Lot 10 would not be feasible without significant filling of wetlands.

(5) The granting of the requested variances is consistent with the objectives of the Master Plan to limit the impact of new construction on the natural environment.

Based upon the findings and conclusions, the Board voted unanimously to GRANT a variance to sub-sections 3.8.1.5 e,f,l,m and o subject to the conditions set forth below.

(1) Section 3.8.1.5 e): A variance from a strict requirement for a 1% minimum slope is granted, conditioned on the basis that during any repair work completed on the existing driveway pavement area, consideration will be given to the grades of the pavement surface in order to lessen the potential for the collection of standing water in the pavement.

(2) Section 3.8.1.5 f): A variance from the 40 foot wide easement is not necessary. The present 30 foot wide easement is nonconforming.

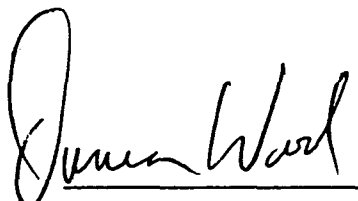
(3) Section 3.8.1.5 l): A variance from a strict requirement for a 12 foot pavement width and a 3 inch pavement thickness is granted, conditioned on the basis that all damage to the existing driveway caused by the passage of construction vehicles, and possibly due to the sub-standard width and thickness of the pavement, shall be repaired before occupancy.

(4) Section 3.8.1.5 m): A variance from a strict requirement for a 3 foot shoulder with a gravel sub-base and free of all obstructions is granted, conditioned on the engineer for the project providing a plan showing which trees and vegetation are to be removed so as to provide adequate sight distance. The project's engineer shall flag all trees that are to be removed.

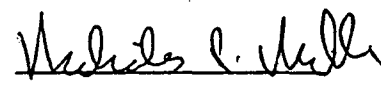
(5) Section 3.8.1.5 o): A variance from the requirement for a sidewalk along the STREET is granted.

Any person aggrieved by this decision may appeal pursuant to the provisions of Massachusetts General Laws, Chapter 40A, Section 17, within twenty (20) days after this decision is filed with the Acton Town Clerk.

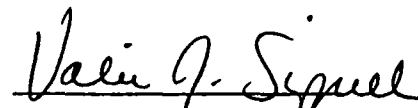
TOWN OF ACTON  
BOARD OF APPEALS

  
Duncan Wood  
Chairman

  
Janet Clark  
Acting Clerk

  
Nicholas Miller  
Alternate Member

I certify that copies of this decision have been filed with the Acton Town Clerk and Planning Board on July 28, 1994.

  
Valerie Sippelle  
Secretary  
Board of Appeals

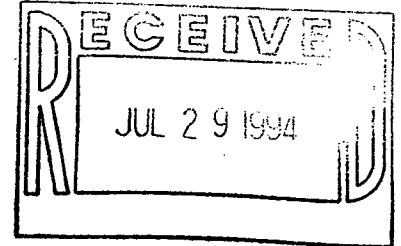


MASSACHUSETTS  
BOARD OF APPEALS

RECEIVED & FILED

DATE July 28, 1994

Burton Brown  
for TOWN CLERK, ACTON



DECISION NO. 94-8

DECISION ON THE PETITION BY LOUIS N. LEVINE FOR  
GLEN AND J. BROOK NICHOLS, 26 JACKSON DRIVE, ACTON.

A public hearing of the ACTON BOARD OF APPEALS was held in Room 126 of the Acton Town Hall, Acton, Massachusetts on Monday, June 6, 1994 at 7:30 PM on the petition by Louis N. Levine for Glen and J. Brook Nichols, 26 Jackson Drive, Acton for a PETITION FOR REVIEW from the decision of the Building Commissioner, under Section 11.1.1 of the Zoning Bylaw, to allow the issuance of a building permit, under Section 3.8.1.5 of the Bylaw, to allow construction of a single-family residence at Lot 8, 26 Jackson Drive, Acton, Map E3/Parcel 87, to be served by an existing common drive way serving three lots.

Members of the Board of Appeals present were Duncan Wood, Chairman; Janet Clark, Acting Clerk; and Nicholas Miller, Alternate Member; and Valerie Sipprelle, Board of Appeals Secretary. Also present were Garry Rhodes, Building Commissioner; Glen Nichols, Petitioner; Louis Levine, attorney for Petitioners; Mark Donahue, William Nelson, Phyllis Wahl, Irene and Allan Musick, Paul and Mary Refuse, Isabella Choate, Tina and David Kaplan, and Charles Kadison.

Mr. Wood opened the hearing, introduced the Board Members, read the petition, noted file contents, and explained hearing procedures.

The Board of Appeals, after considering the materials submitted with the petition together with the information developed at the public hearing, finds that:

- (1) A common drive easement was established in 1984 at the time that the lots were subdivided and homes were built on Lots 9 and 10. Although the easement extends to the edge of Lot 8, the construction of the graded and paved driveway does not currently extend beyond the garage area on Lot 10.

(2) The petitioner's position is that since the 1984 easement was created with the parent intent of providing an access driveway through uplands for Lot 8, the current zoning requirements regarding construction standards for driveways serving three to five homes should not apply, but rather the driveway's design should be governed by the standards that applied at the time the easement was established.

(3) The Building Commissioner's position is that since no usable driveway accessing Lot 10 had been constructed prior to enactment of the construction standards for multi-lot driveways (Section 3.8.1.5), and the driveway is intended to serve three lots, the driveway must be constructed in accordance with those standards.

(4) There is no absolute impediment to construction of a driveway in accordance with Section 3.8.1.5. The issues or concerns presented by the petitioner relate to the impact on existing trees and the overall cost of the effort to upgrade and extend the existing driveway.

As a result of the above findings, the Board of Appeals concludes that:

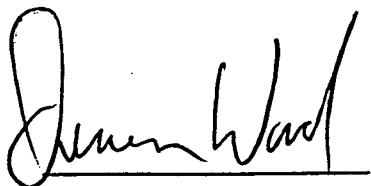
(1) Establishing an easement provides a route to create a driveway, but it is not the equivalent of the actual construction of a driveway.

(2) Since the criteria set forth in Section 3.8.1.5 are construction or design standards they should apply at the time of the construction of the driveway and not at the time of the creation of a easement.

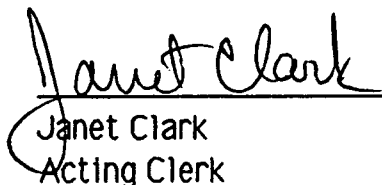
Based upon the findings and conclusions, the Board voted unanimously to UPHOLD the Decision of the Building Commissioner.

Any person aggrieved by this decision may appeal pursuant to the provisions of Massachusetts General Laws, Chapter 40A, Section 17, within twenty (20) days after this decision is filed with the Acton Town Clerk.

TOWN OF ACTON  
BOARD OF APPEALS



Duncan Wood  
Chairman

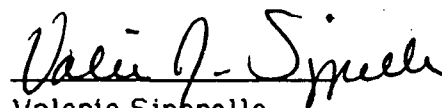


Janet Clark  
Acting Clerk



Nicholas Miller  
Alternate Member

I certify that copies of this decision have been filed with the Acton Town Clerk and Planning Board on July 28, 1994.



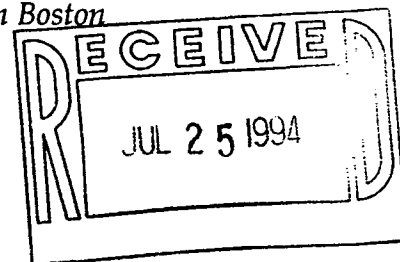
Valerie Sippelle  
Secretary  
Board of Appeals



# Metropolitan Area Planning Council

60 Temple Place, Boston, Massachusetts 02111 617/451-2770 Fax 617/482-7185

*Serving 101 cities and towns in metropolitan Boston*



July 21, 1994

BOS

Dear Chief Elected Official:

The Metropolitan Data Center of MAPC has recently revised its long-term population projections for MAPC communities. The revision was made in order to incorporate data that have become available since the projections were first made in January of 1991. These data include 1992 estimates of population from the U.S. Census as well as more recent building permit data. In addition, the projection method was adjusted somewhat in order to make the projections more sensitive to near-term trends.

These projections are important, because they are used to assess needs for major infrastructure projects such as highways, transit lines and water and sewer systems. They are also used by the private sector for planning and marketing purposes.

Please review the attached population projection for your community, which includes an age group breakdown for each projection year. The review period for these new projections will end on August 31. After any potential revisions, they will be submitted to the MAPC Executive Committee for final approval. If you have any questions or comments about the projections, please do not hesitate to contact Douglas Carnahan, Director of the Metropolitan Data Center. Thank you for your time and consideration.

Sincerely,

David C. Soule  
Executive Director

cc: MAPC Community Representative  
Community Planning Official

CC: PLANNING DEPT. -  
PLEASE COMMENT TO ME  
BY 8/11 FOR INCLUSION  
IN BOS' PACKET ON 8/12.

CHRIS - PLS. PLACE UNDER  
SELECTMEN'S BUSINESS  
FOR 8/16.

Edmund P. Tarallo, President

William G. Constable, Vice-President

Donna M. Jacobs, Secretary

Richard A. Easler, Treasurer

David C. Soule, Executive Director

(7/94)

POPULATION AGE GROUP FORECAST  
PRODUCED BY THE METROPOLITAN DATA CENTER OF MAPC

ACTON

AGE GROUP	1970	1980	1990	2000	2010	2020
0 TO 4	1,601	1,056	1,240	1,316	1,200	1,226
5 TO 9	1,980	1,307	1,206	1,280	1,168	1,192
10 TO 14	1,938	1,961	1,255	1,304	1,344	1,253
15 TO 19	1,179	1,702	1,204	1,387	1,428	1,331
20 TO 24	929	1,345	1,091	1,544	1,557	1,639
25 TO 29	1,202	1,438	1,492	1,357	1,516	1,595
30 TO 34	1,144	1,859	1,516	1,090	1,497	1,542
35 TO 44	2,252	2,889	3,575	2,971	2,346	2,952
45 TO 54	1,296	2,077	2,570	3,605	2,909	2,349
55 TO 59	377	632	868	1,248	1,703	1,409
60 TO 64	240	415	669	1,176	1,604	1,326
65 TO 74	372	485	682	1,236	1,892	2,653
75 +	260	378	504	607	994	1,590
TOTAL	14,770	17,544	17,872	20,120	21,158	22,058

% CHANGE	ACTON	MAPC REGION
1970-1980	19%	-4%
1980-1990	2%	1%
1990-2000	13%	1%
2000-2010	5%	-1%
2010-2020	4%	-1%



CC: BOS - FYI

TOWN OF ACTON  
472 Main Street  
Acton, Massachusetts 01720  
Telephone (508) 264-9612  
Fax (508) 264-9630

Don P. Johnson  
Town Manager

August 1, 1994

Mr. David Soule, Executive Director  
Metropolitan Area Planning Council  
60 Temple Place  
Boston, MA 02111

re: Draft Transportation Improvement Program (TIP), FY'95-FY'97

Dear David;


In response to your request for additional projects for the TIP, please be advised that the Town of Acton would like to add two projects to the above named draft document. The first, a pavement management project, is requested due to reductions in state and federal aid and the increased cost of providing municipal services which have necessitated the postponement of our pavement management program over the past few years. We hope to obtain funds for twelve miles of roadway resurfacing under the TIP.

The second project to be added is replacement of a bridge on Stow Street. Acton has developed a bridge maintenance program that calls for replacement of an aged bridge about every three years. The Town will be ready to replace the Stow Street bridge in FY'97. Therefore, we request that MAPC add the following projects to the draft TIP.

<u>Project Name</u>	<u>Fiscal Year</u>	<u>Amount Programmed</u>
Pavement Management	1996	\$633,600.00
Stow Street	1997	\$250,000.00

The Town has just completed its review of the draft TIP and will forward our comments under separate cover before August 11, 1994 as you have requested. If you have any questions concerning this request or require additional information, please contact our TIP Reviewer, David Abbt, at 508/264-9628.

Sincerely,

  
Don P. Johnson  
Town Manager

DPJ/dmj

cc: David Abbt, Engineering Administrator  
Richard Howe, Highway Superintendent  
Donna Jacobs, Assistant Planner  
Board of Selectmen

dw11\*18

TOWN OF ACTON  
472 Main Street  
Acton, Massachusetts 01720  
Telephone (508) 264-9612  
Fax (508) 264-9630

P. Johnson  
Town Manager

August 1, 1994

Ms. Patricia Fonda Sawyer  
127 Concord Road  
Acton, MA 01720

Subject: 127 Concord Road

Dear Ms. Sawyer:

I am in receipt of a revised agreement from your Attorney, Louis Levine, dated August 1, 1994. I have reviewed this proposed agreement with Town Counsel and in the interest of saving time and facilitating an agreement, I have taken the liberty of re-drafting.

The purpose of this agreement is to provide the Town with a temporary right to reduce and maintain the water level at the dam on your property to the lowest possible level during the construction of the following projects to be undertaken by the Town: (1) replacement of two bridges in front of your property on Concord Road and (2) the dredging of Ice House Pond.

In connection therewith and in exchange for your agreement, I offer the following:

1. The Town will pay you \$4,000.00 by Sept. 1, 1994.
2. The Town will take responsibility for any damages to your property caused by its negligence and will make appropriate repairs or replacements in the event of such damage.
3. The Town will, at its sole expense, remove silt which has accumulated in the upper holding basin on the northerly side of your property.
4. The Town will make the necessary repairs to both the upstream and downstream low water gate and valve at the dam and leave these structures in good working order at the conclusion of the project.
5. The Town will repair the existing hole that has eroded in the concrete bed at the foot of the dam below the low water outlet valve with hydraulic cement or other suitable concrete patching material prior to opening the low water outlet valve and, if necessary, the Town will provide temporary shielding to protect the house foundation from splash from the outlet valve for the duration of the projects.

6. The work to be preformed by the Town as set forth in paragraphs 3 and 5 above shall be fully completed by November 1, 1994, including any loaming and seeding and/or otherwise returning to substantially their original condition any areas of your property disturbed in connection with the aforesaid work. Temporary splash shielding as noted in paragraph 5 will remain for the duration of the projects and be removed when the projects are completed.

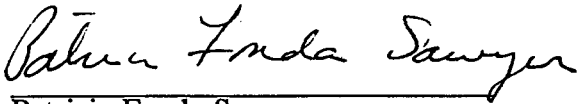
7. The temporary right to drop the water level at the dam on your property, pursuant to the terms of this letter, will terminate on October 1, 1995, or upon 15 days written notice of any substantial breach by the Town of its obligations hereunder, whichever occurs first.

Please sign where indicated below, indicating your agreement with the foregoing terms and conditions.

Very truly yours



Don P. Johnson  
Town Manager



Patricia Fonda Sawyer

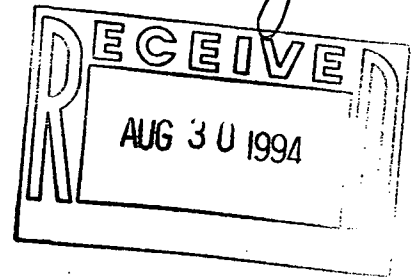
Date 1/2/94

cc: L. Levine  
D. Abbt  
D. Howe  
Board of Selectmen

cc: BOS

file  
copy

**ACTON BOARD OF HEALTH  
MINUTES  
AUGUST 1, 1994  
ROOM 126**



**MEMBERS PRESENT:** WILLIAM MCINNIS - CHAIRMAN  
MARK CONOBY  
PETER VAILLANCOURT  
CINDY PATTON

**STAFF PRESENT:** DOUG HALLEY - HEALTH DIRECTOR  
HEATHER MEYER - SECRETARY

**OTHERS PRESENT:** SAMUEL SCHWARTZ  
DENISE SCHWARTZ  
JOHN E. DUNPHY, JR - ACTON SURVEY  
ROBERT MAGLIOZZI  
SALLY FINK  
LEE WEAVER  
SUE FUNK  
CHARLOTTE SAGOFF

The Meeting opened at 8:00 p.m.

**MINUTES:**

On a motion made by Mr. Conoby, seconded by Ms. Patton, the Board unanimously voted to accept the Minutes of July 11, 1994 following corrections.

**VARIANCE REQUEST - LOT 23 FAULKNER HILL ROAD:**

At the July 11, 1994 Board of Health Meeting, Robert Magliozzi had been before the Board to ask that they grant a Variance from 310 CMR 15.14 (Fig. 1) for the property at Lot 23 Faulkner Hill Road. At the time, the Board took no action on the Variance until there were additional percolation tests and deep test holes.

The applicant was also to address the issue of groundwater and what impact the clay barrier will have on retaining the groundwater on site.

Mr. Halley informed the Board that on July 26, 1994, an additional percolation test and two deep test holes were completed at Lot 23 Faulkner Hill Road. These tests were consistent with the previous tests conducted at this site. He stated that the applicant has now met all of the technical requirements of the Board's requirements. The Board was concerned with water on the site, especially with what impact it would have on the proposed clay barrier. The applicant agreed an interceptor trench should be placed upgradient of the septic system to a depth equal to or lower than the proposed clay barrier to prevent water from being trapped at that location.

The Health Department recommended that the Board approve a variance from 310 CMR 15.14 Figure 1 at Lot 23 Faulkner Hill Road.

On a motion made by Mr. Conoby, seconded by Mr. Vaillancourt, the Board unanimously voted to grant the Variance to 310 CMR 15.14 Figure 1 with the following conditions:

1. The proposed clay barrier shall be two (2) feet in width, at least four (4) feet below the lowest portion of the leaching system and a minimum of two (2) feet into natural materials.
2. The disposal works system shall be built in accordance with a plan submitted by R. Wilson & Associates, dated August 1, 1994.
3. Prior to the Certificate of Compliance being issued the applicant shall demonstrate that the clay barrier is impervious, in accordance with the standards of Title 5.
4. An interceptor drain shall be installed 25' upgradient from all leaching trenches. The bottom of the interceptor shall be equal to or lower than the bottom of the clay barrier.
5. All other laws and regulations shall be adhered with.

**VARIANCE REQUEST - 61 WASHINGTON DRIVE:**

Mr. Halley informed the Board that the Health Department has received a plan and variance request from Dave Perley, P.E. in regards to the reconstruction of a septic system at 61 Washington Drive. Due to high groundwater and restrictive site conditions, the distance requirements for an interceptor drain and a foundation, in accordance with Title 5, cannot be met. The leaching field will be as close as 12' from the interceptor and 15' from the house foundation.

The Engineer has proposed to place a clay barrier between the interceptor and the leaching field. The specifications for the installation of the clay barrier shall meet all of the requirements of D.E.P. The clay barrier is necessary to be used to meet the break out requirements to the rear of the lot.

The Health Department recommended that the Board approve the Variances from 310 CMR 15.03(7) Distances (1)(2) and 15.15 Figure 1.

On a motion made by Ms. Patton, seconded by Mr. Vaillancourt, the Board unanimously voted to approve the Variances from 310 CMR 15.03(7) Distances and 15.15 Figure 1 with the following conditions:

1. The proposed clay barrier shall be two (2) feet in width, at least four (4) feet below the lowest portion of the leaching system and a minimum of two (2) feet into natural materials.
2. The disposal works system shall be built in accordance with a plan submitted by Dave Perley, P.E., dated July 11, 1994.
3. Prior to a Certificate of Compliance being issued, the applicant shall demonstrate that the clay barrier is impervious, in accordance with the standards of Title 5.
4. All other laws and regulations shall be adhered with.

**VARIANCE REQUEST - 50-52 SPRUCE STREET:**

Mr. Halley informed the Board that the Health Department has received a request from Acton Survey and Engineering regarding the reconstruction of a septic system at 50-52 Spruce Street. The system was constructed in October of 1993. The septic tank and pump chamber were placed too close to the street layout. As shown on an as-built plan by Acton Survey, the septic tank is 5' and the pump chamber is 6' from the property line.

Due to the site restrictions and the proximity and the existing apartment complex, the installer inadvertently placed the tanks too close to the street layout. This change in the original design was not discovered until after the tanks were installed and in use. Mr. Halley explained that reinstallation of the tanks would be very expensive and may require replacement of the already installed tank.

The Health Department recommended that the Board grant a Variance from 310 CMR 15.03 (7) Distances (1)(2).

On a motion made by Mr. Vaillancourt, seconded by Mr. Conoby, the Board unanimously voted to grant the Variance to 310 CMR 15.03 (7) Distances (1)(2) in regards to the present tanks at 50-52 Spruce Street as shown on an as built plan by Acton Survey and Engineering, dated December 3, 1993 with the following conditions:

1. The Variance shall expire upon the failure of the septic tank and/or pump chamber.

2. All other laws and regulations shall be adhered with

Mr. Halley also brought to the Board's attention the fact that it was the Installer, Bradford industries, who was at fault with the placement of the septic tank. He stated that he feels that the Board of Health should conduct a public hearing with regard to the Installer being put on probation for one (1) year. If the Installer does not appear, it would be an admission of guilt and, therefore, be placed on probation.

The Board agreed to have a public hearing with regard to this issue in the near future.

#### **VARIANCE REQUEST - 2 GREAT ROAD:**

Jack Dunphy, of Acton Survey and Engineering, was present on behalf of Kelleher Management Trust to request that the Board of Health grant a variance in regards to the reconstruction of a septic system at 2 Great Road. At the July 11, 1994 meeting of the Board of Health, it was voted that the Variance not be granted until the issue of property line setbacks and foundation setbacks were addressed. Also, the Board wanted to see that the maximum amount of leaching area is provided.



Mr. Dunphy explained to the Board that the plan for the reconstruction of the system at 2 Great Road has been redesigned. The maximum leaching space has been obtained. They do, however, still need to obtain a variance from 11.15-10 regarding set back to wetlands, and a variance from 11.9-1 regarding requirements for leaching area.

The Health Department recommended that the Board of Health grant the Variances to 2 Great Road.

On a motion made by Mr. Conoby, seconded by Mr. Yaillancourt, the Board unanimously voted to grant the variance from 11.15-10 and 11.9-1 with the following conditions:

1. An as built plan shall be prepared by a Professional Engineer or a Registered Sanitarian and the construction shall be certified by the same.
2. All other applicable laws and regulations shall be adhered with.
3. The septic system shall be built in accordance with a plan designed by Acton Survey and Engineering, stated July 27, 1994.

**VARIANCE REQUEST - 19 BRUCEWOOD ROAD:**

Mr. Halley informed the Board that the Health Department has received a request for a variance from Gary Oldenberg in regards to the reconstruction of a septic system at

19 Brucewood Road. Due to high groundwater and an extremely slow percolation rate, the system is unable to meet the breakout requirements of Title 5.

Groundwater level were at seven (7) feet, but a percolation rate of thirty (30) minutes per inch required that the sidewall for the system be 2 1/2'.

The Health Department recommended that the Board of Health grant this Variance from 310 CMR 15.14 Figure 1 to 19 Brucewood Road.

On a motion made by Mr. Vaillancourt, seconded by Ms. Patton, the Board unanimously voted to grant the Variance from 310 CMR 15.14 Figure 1 to 19 Brucewood with the following conditions:

1. The proposed clay barrier shall be two (2) feet in width, at least four (4) feet below the lowest portion of the leaching system and a minimum of two (2) feet into natural materials.
2. The disposal works system shall be built in accordance with a plan submitted by Everett M. Brooks, dated July 22, 1994.
3. Prior to a Certificate of Compliance being issued, the applicant shall demonstrate that the clay barrier is impervious, in accordance with the standards of Title 5.
4. All other applicable laws and regulations shall be adhered with.

#### **HAZARDOUS MATERIALS CONTROL PERMIT REQUEST**

##### **SCHOOL STREET GARAGE, 27 SCHOOL STREET:**

The Health Department has conducted an inspection at the School Street Garage at 27 School Street in Acton. Auto repair is the main form of business conducted at this site. New and used motor oil, anti-freeze, transmission fluid, and cleaning solvents are the hazardous materials used and stored on-site. Waste oil is used to heat the building and all other materials are recycled. No hazardous wastes are generated at this site. They are considered a Small Quantity Storer of Hazardous Materials by Town of Acton standards.

The storage and use areas are located in the same building and were found to be clean and orderly.

All 55 gallon drums were in good condition. Speedy Dry is stored and easily reachable in the work and storage areas. All MSD's should be stored on site and should be made available to all employees.

It was noted that in order to isolate a spill, the storage areas need to be bermed. Enough berm to capture 110% of the largest volume is needed. There is a floor drain in the work area that should be sealed shut as it is unknown where it discharges. Mr. Boldizar (the owner) was informed of this. The facility overall was found well-kept.

The Health Department recommended that the Board grant the Hazardous Materials Control Permit to School Street Garage.

On a motion made by Mr. Conoby, seconded by Mr. Vaillancourt, the Board unanimously voted to grant the Hazardous Materials with conditions as set forth on Permit No. 94-FP-02-1 (see attached).

#### **MOSQUITO FOGGING REPORT:**

The Board of Health, at its July 11, 1994 meeting, voted to immediately implement a notification procedure for mosquito fogging in the Town of Acton. The Health Department, in conjunction with Dean Charter, Municipal Properties Director, have been in contact with Cablevision Channel 61 to initiate a notification procedure that will inform the town of where and when the fogging trucks will be in the neighborhoods. The Municipal Properties Department has decided that the mosquito fogging will be plotted by the voting precinct maps, which is actually fairly close to the boundaries that have been fogged in the past. Each precinct will take approximately two nights to complete. The weather conditions must be calm and dry (not raining). The schedule will vary if the Town has to fog for special events such as the Town Fair or Graduation. Dean Charter will notify the Health Department daily of what had been sprayed.

As of August 1, 1994, the Health Department will be in contact daily with Cablevision Channel 61 to update where and when the fogging trucks will be in the neighborhoods. This information will be put into the Community Bulletin Board. This information will also be available at the Memorial Library, The Acton Beacon, The Acton Citizen and the Health Department.

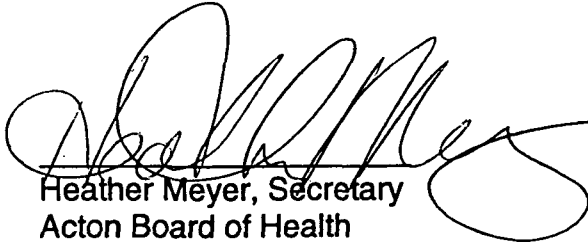
Many of the people that were present at the meeting commented on the Town's notification policy. They felt that the Town should implement a phone notification as well as the Cable TV notification. Some citizens do not have cable and feel that they should be able to call in to get an update on what is being sprayed on what night. One proposal was made that the applicator could call into a phone answering system and give the specifics as to where he would be on that particular night. This idea was taken into consideration by the Board and will be followed up on by the Health Director. The Health Director will give an update on the response that the Town had to that idea at the next regularly scheduled meeting.

On a motion made by Ms. Patton, seconded by Mr. Conoby, the Board unanimously voted to adjourn the meeting at 10:45 p.m.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Wm. McInnis".

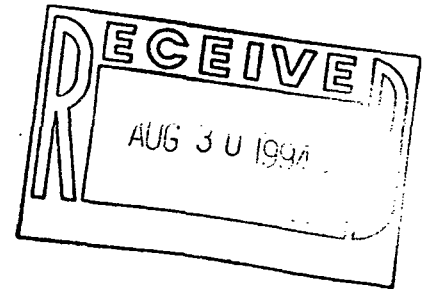
William McInnis, Chairman  
Acton Board of Health

A handwritten signature in cursive script, appearing to read "Heather Meyer".

Heather Meyer, Secretary  
Acton Board of Health

cc: BOS

**ACTON BOARD OF HEALTH  
MINUTES  
JULY 11, 1994  
ROOM 204**



**MEMBERS PRESENT:** WILLIAM MCINNIS, CHAIRMAN  
JONATHAN BOSWORTH  
PETER VAILLANCOURT  
MARK CONOBY

**STAFF PRESENT:** DOUG HALLEY, HEALTH DIRECTOR  
HEATHER MEYER, SECRETARY  
STEPHANIE CHIANG, STUDENT INTERN

**OTHERS PRESENT:** CHARLOTTE SAGOFF  
SUE FUNK  
GEORGE JOHNSTON  
JEAN BUTLER  
SALLY FINK  
JILL PONTIUS  
GWLADYS HOPKINS  
CLARE SISK  
MATTHEW HANDELMAN  
KATHLEEN ALLISON  
DEBBY ANDELL  
RUSS WILSON  
PAULA BUSHKOFF  
BETTY ANN DUGGAN  
ABIGAIL JURIST LEVY  
ROBERT GUBA  
JANE CERASO  
DEBRA SIMES

The Meeting opened at 7:35 p.m.

**MINUTES:**

On a motion made by Mr. Bosworth, seconded by Mr. Vaillancourt, the Board unanimously voted to accept the minutes of June 27, 1994 following corrections.

**VARIANCE REQUEST - LOT 8 WASHINGTON DRIVE:**

Mr. Halley informed the Board that the Health Department has received a request from Kavanagh Homes in regards to a variance for the construction of a new home at Lot 8 Washington Drive. He explained that due to the minimal depth of the soil, steep slopes and site configuration, the slope requirements of Title 5 cannot be met. The percolation rate for this site is 11 minutes per inch and the total depth of the deep holes were only six feet.

The Engineer has designed the system with a clay barrier that meets the specifications established by D.E.P. The Health Department has reviewed the plans and finds them consistent with past Board of Health decisions. The Health Department recommended that the Variance from 310 CMR 15.14 (Fig. 1) be approved.

On a motion made by Mr. Conoby, seconded by Mr. Bosworth, the Board unanimously voted to grant the Variance from 310 CMR 15.14 (Fig. 1) with the following conditions.

1. The proposed clay barrier shall be two (2) feet in width, at least four (4) feet below the lowest portion of the leaching system and a minimum of two (2) feet into natural materials.
2. The disposal works system shall be built in accordance with a plan submitted by Land Tech, dated May 1, 1994.

3. Prior to a certificate of compliance being issued, the applicant shall demonstrate that the clay barrier is impervious, in accordance with the standards of Title 5.

**VARIANCE REQUEST - 2 GREAT ROAD:**

The Health Department has received a request from Kelleher Management Trust in regards to a variance for the reconstruction of a septic system at 2 Great Road. Due to the existing wetlands, the depth of groundwater, the steep slopes and site configuration the minimum leaching requirements of the Board of Health cannot be met. The Engineer has designed a septic system which meets the specifications established by D.E.P. and Title 5 for leaching size. The system will be a 42' long trench, 5' wide and 1' deep, which will provide 294 sq. ft. of leaching area. The Board of Health's regulation 11-15.1 requires that leaching facilities shall have a minimum of 800 sq. ft. of leaching area for trenches. In addition, the system will meet Title 5's requirement for setback from a wetland but cannot meet regulation 16-4.2.10, which requires a 100' setback.

Mr. Halley informed the Board that in order for the applicant to meet the Board's minimum requirements a variance from Title 5 would be required. Bringing the system closer to the wetlands to increase the size of the leaching system would be contradictory to the Board's goals. He feels that the Board must consider carefully whether to require the system to be closer either to the property line or the foundation. If the system was designed 5' from the property line and 10' from the foundation, it could be doubled in leaching size.

This property is in zone 3 of the aquifer, but down gradient from any existing wells. The Health Department believes that it is in the best interest of the Board to see the leaching area maximized as much as possible. The Health Department recommended that the



3. Prior to a certificate of compliance being issued, the applicant shall demonstrate that the clay barrier is impervious, in accordance with the standards of Title 5.

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Mr. Halley informed the Board that in order for the applicant to meet the Board's minimum requirements a variance from Title 5 would be required. Bringing the system closer to the wetlands to increase the size of the leaching system would be contradictory to the Board's goals. He feels that the Board must consider carefully whether to require the system to be closer either to the property line or the foundation. If the system was designed 5' from the property line and 10' from the foundation, it could be doubled in leaching size.

This property is in zone 3 of the aquifer, but down gradient from any existing wells. The Health Department believes that it is in the best interest of the Board to see the leaching area maximized as much as possible. The Health Department recommended that the

Board not grant this variance until the proper State variances are given for the setbacks to the property line and the foundation and to ensure the maximum amount of leaching is provided.

On a motion made by Mr. Vaillancourt, seconded by Mr. Conoby, the Board unanimously voted not to grant the variance to 2 Great Road.

**VARIANCE REQUEST - LOT 23 FAULKNER HILL ROAD:**

Mr. Halley informed the Board that the Health Department has received a request from Robert Magliozzi in regards to a variance for the construction of a new home at Lot 23 Faulkner Hill Road. Due to the high groundwater, steep slopes and site configuration the slope requirements of Title 5 cannot be met. The percolation rate for this new site is 4 minutes per inch and the depth to groundwater was only three and one half feet.

The Engineer has designed the system with a clay barrier that meets the specifications established by D.E.P. The Health Department has, however, reviewed the plans and finds that they do not adequately address all problems. He explained that in order for them to be consistent with past Board of Health decisions, additional information will have to be obtained. Mr. Halley enclosed with the Board's packet a copy of a plan review that was done by Alan D. Perry of the Health Department. The Health Department wants to see all of these issues addressed. The Department is concerned that groundwater conditions have not been fully addressed and the percolation rates may not be totally representative of the site. The Health Department recommended, at this time, that the variance from 310 CMR 15.14 (Fig. 1) be disapproved.

On a motion made by Mr. Conoby, seconded by Mr. Vaillancourt, the Board unanimously voted to take no action at this time until the following items have been completed:

1. An additional percolation test must be conducted in the area between the proposed clay barrier and the proposed reserve trench.
2. Two additional Deep test holes must be conducted to confirm soil depth and type.
3. To address the issue of groundwater on the property; and what impact the will the clay barrier have on retaining groundwater on site.

The Board will address this issue again at 8:00 at their August 1, 1994 meeting.

**MOSQUITO CONTROL POLICY STATEMENT - DISCUSSION AND VOTE:**

Mr. McInnis gave a brief summary of the Board's last meeting concerning the Mosquito Control Program in the Town of Acton. He spoke with the Board members about the Mosquito Control Policy that had been drafted by himself and Mr. Bosworth. He asked the individual Board members how they felt about the draft policy as it was written. Mr. Bosworth stated that he was happy with how the policy reads. Mr. Vaillancourt stated that he doesn't feel that the Board of Health should adopt a policy like this. His reason being that it should be voted on at Town Meeting or a Town Referendum because of the importance of the issue and the impact it will have on the entire Town. Mr. Conoby stated that this kind of policy should not be taken lightly. He added that it is an important decision for the Town to make and should be researched thoroughly in order to express the interest and concerns of the Town properly. He felt that it was too soon for the Board to vote on the Mosquito Control Policy.

The Board then proceeded to take comments from the Public with regards to the Mosquito Control Policy.

Mr. McInnis suggested that the Board of Health read through the proposed Mosquito Control Policy to get an idea on what needs to be researched, added or what can be agreed upon in the policy. The Board started with Part II of the Policy Statement - Mosquito Control Programs. Reading through the draft policy, several statements were made by the Board members with regards to certain articles being expanded and made more specific. Policy Statement Paragraph 6 stated that "The Board of Health should take an active role in informing and educating the community regarding the health consequences of any mosquito control program." Mr. Conoby commented that the Board should be more clear as to how they are going to educate the public. More work will be done on the issue of educating the public about mosquito control.

Policy Statement Paragraph 5 stated that "Any mosquito control program should include provisions for public notice prior to the application of any pesticides." A clear majority of the people who attended the meeting agreed that the Board of Health needs to act on the subject of notifying the public as to when the fogging truck will be in their neighborhood. They felt that the Board should implement a notification procedure so they can take the proper precautions when the fogging trucks are coming. Sue Funk suggested that they could ring the fire bell and/or post the schedule of where and when the Malathion sprayings will be on certain nights.

On a motion made by Mr. Bosworth, seconded by Mr. Conoby, the Board unanimously voted to recommend the following statement:

"The Board of Health recommends a policy that the mosquito control program should immediately implement an appropriate, reasonable public notice prior to the application of any pesticides as part of the Town's Mosquito Control Program."

This recommendation will be forwarded to the Town Manager, Don Johnson, and a copy of the recommendation will be sent to the Director of Municipal Properties, Dean Charter, for immediate attention. The Health Department will be in contact with the Town Manager and Municipal Properties to try and formulate some kind of notification procedure. The Board will review the status of the notification procedure at their next regularly scheduled Board of Health meeting on August 1, 1994.

Article Paragraph 4 states that "Any mosquito control program should include procedures for measuring its effectiveness. This will prevent application of pesticides which are not effective or not needed." A member of the audience suggested that the statement be changed to read "Any Mosquito Control Program should include procedures for evaluating its effectiveness vis a vis concerns for the public health. This will ensure appropriate and effective control as well as prevent unnecessary or superfluous use of pesticides." The Board felt that it should be more specific in deciding what kind of procedures should be used to measure effectiveness. This article will be researched for future discussion.

Policy Statements Paragraphs 3a, 3b and 3c, regarding Integrated Pest Management, were decided to be tabled until more information is obtained.

Policy statements Paragraph 2 and 1 regarding materials used for the Mosquito Control Program were deferred until further information from the ongoing research is available on the topic.

The Health Department will use the resources of their summer intern, Stephanie Chiang, to do research on the chemical Malathion and on Mosquito Control Programs in the neighboring towns. She will write a report with detailed, up-to-date information.

Stephanie's research and report will help the Board of Health to formulate a Mosquito Control Policy statement that best addresses the concerns of the Board of Health.

The Board of Health intends to review the information and completed report in the fall. This will give them time to make a recommendation to the Selectmen before the warrant for Spring 1995 Town Meeting is drawn up.

On a motion made by Mr. Bosworth, seconded by Mr. Conoby, the Board unanimously voted to adjourn the meeting at 10:20 p.m.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Wm. McInnis".

William McInnis, Chairman  
Acton Board of Health

A handwritten signature in cursive script, appearing to read "Heather Meyer". A long, thin horizontal line extends from the end of the signature to the right.

Heather Meyer, Secretary  
Acton Board of Health

CC: BOS - CONFIDENTIAL

File

September 2, 1994

Stephen K. Crockett  
221 Pope Road  
Acton, MA 01742

**HAND DELIVERED ON 9/2/94**

Mr. Norman D. Lake, Chairman  
Board of Selectmen  
Town of Acton  
472 Main Street  
Acton, MA 01720

Dear Mr. Chairman:

I am in receipt of your August 25, 1994 letter addressed to Mr. Duncan Wood, Chairman - Board of Appeals. The contents of your letter were not well received. The tone of the letter and the innuendo and implications found within are misguided to say the least.

Referencing the first sentence of the second paragraph; I categorically deny that I was ever advised on one or more than one occasion of the urgency of filing that decision.

Referencing the second sentence of the second paragraph; I categorically deny that I was ever advised or understood that a Constructive Approval might or would result from the decision not being filed. I categorically deny that I ever refused to write the decision.

Referencing the first sentence of the third paragraph; I categorically deny that I took my official responsibilities lightly.

Referencing the second sentence of the third paragraph; I categorically deny that my behavior was improper. I categorically deny that I hold a blatant disregard for the integrity of the Town and its citizens.

Referencing the third sentence of the fourth paragraph; I categorically deny that my behavior has reflected negatively on the integrity of the Town.

The facts are as follows:

The first hearing on this petition resulted in a question being raised by myself as to which Town board had jurisdiction over the special permit; I spent my personal time writing a letter to Garry Rhodes requesting clarification from Town's counsel and others as appropriate; The response



from Town's counsel was that the Board of Appeals had jurisdiction, but that the petition for a special permit was actually a petition for a use variance which is not within the Board of Appeals jurisdiction; Based on Town Counsel's response, I believed that the petition was null-and-void since the Board of Appeals can not grant a variance on property use; I mentioned my belief to the two other members of the Board of Appeals who were sitting that evening, and neither offered any dissent; I returned the petition file to the Building Commissioner's office without a written decision; It was not until after the 60 day filing period had expired that I received a telephone call from the Building Commissioner questioning why I had not written the decision; I explained my reasoning (previously described herein), at which point Mr. Rhodes stated that I was wrong, that a decision was required and that a Constructive Approval might be requested by the petitioner; I apologized to Mr. Rhodes profusely and stated that I would make myself available at any time to correct my error; Several days later, Mr. Rhodes telephoned me again and said that in the opinion of Town Counsel, the filing deadline had not expired and that I was to write the decision; I wrote the decision that same day.

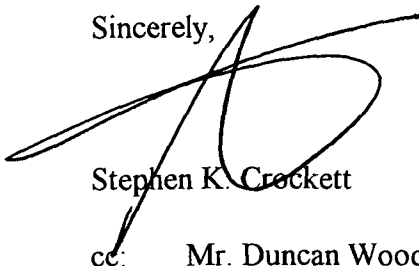
The preceding paragraph represent the true facts and chronology. Any person or persons claiming otherwise would be misstating, to put it mildly.

At no time did I ever consciously or intentionally malign my official duties as I saw them. It was the Board of Selectmen's decision to conclude otherwise without offering me an opportunity to dispute the findings stated in your letter. The Board of Selectmen owed me a duty to present rebuttal before it issued a public condemnation of my actions, intentions and character. The Board of Selectmen's letter of August 25, 1994 represents a malicious written statement that has damaged my person by defaming my character and reputation and exposing me to public ridicule. The Board's letter has offended me and my family and has inflicted deep hurt.

My actions in the decision-writing process were, as it turns out, misguided. I again offer my sincere apologies to the Town for all inconveniences and expense it has and will incur.

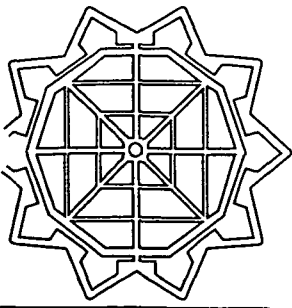
I hereby resign from the Board of Appeals, effective immediately.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen K. Crockett", with a large, stylized flourish extending from the end of the signature.

Stephen K. Crockett

cc: Mr. Duncan Wood



# Massachusetts Municipal Association LEGISLATIVE BULLETIN

August 26, 1994

JOHN/DAVID A. - PLS. CHECK AND  
SEE IF WE MIGHT QUALIFY FOR  
INCLUSION W/ ADD'L COMMUNITIES  
NOTED IN LAST IP OF THIS ARTICLE.

## DEPARTMENT OF EDUCATION SAYS RETIRED SCHOOL EMPLOYEES' HEALTH INSURANCE NOT TO IMPACT FISCAL 1995 BUDGETS

The state Department of Education will mail out to municipal officials on Aug. 29 a memorandum describing how the local cost of health insurance for retired school personnel will be accounted for under the revised school finance regulations.

As reported in the July 29 *Legislative Bulletin*, the state Board of Education, in approving the revised regulations in mid-July, voted to exclude retirees' health insurance costs from counting toward meeting the minimum school spending mandate calculated by the state for each municipality. The DOE memorandum says that municipalities and school districts that counted insurance costs toward meeting "net school spending" in fiscal 1994 and fiscal 1995 should continue to do so for those fiscal years. No penalty will be assessed for any spending shortfall in fiscal 1994 due to the rules change, and municipalities will not be required to adjust fiscal 1995 school budgets.

Beginning in fiscal 1996, however, the state-calculated "local contribution" to schools for each city, town, and school district that counted retirees' insurance costs toward meeting the school spending mandate will be reduced by the amount of this cost, and no municipality or district will be allowed to count insurance costs toward the school spending mandate for the year. School aid and "minimum required local contribution" amounts for fiscal 1996 will be calculated using the adjusted local contribution amounts. The impact of the exclusion of insurance costs for retirees will be significant for many cities and towns next year, including increases and decreases to Chapter 70 school aid and mandatory local

contribution amounts.

Because of the potential fiscal impact on cities and towns, the MMA has been closely monitoring this issue. The association had urged the DOE to hold communities harmless for fiscal 1994 and 1995, and will be working to reduce or eliminate negative impacts in fiscal 1996 and beyond.

## Landfill Capping Grants sent to Weld

Many communities will be receiving long-awaited Landfill Capping Grants if Gov. Weld signs a provision in the deficiency appropriations bill approved by the House and Senate. H. 5283, includes language authorizing the commissioner of the state Department of Environmental Protection to finally award landfill capping grants to 23 communities that were originally promised these grants in 1987.

In 1987, the DEP received 83 applications for the \$10 million grant program, which was signed into law in 1983. The DEP ranked the 83 applications largely by those communities experiencing the strongest potential environmental threats. Of the 83 communities, 24 were put on the state's "fundable list" and the remaining 59 were put on the state's "extended priority list."

The top seven communities on the fundable list actually received their grants in 1987. However, no other community on the fundable list or the "extended priority list" received any funds.

The bill, if signed by Weld, would authorize grant payments to the remaining 17 communities on the fundable list: Plymouth, Lincoln, Rockport, Leominster, Shrewsbury, Mashpee, Grafton, Holden, Norton, Concord, Oxford, West

Newbury, Edgartown, Springfield, Canton, Williamstown and Worcester. In addition, the following top six communities on the extended priority list would be eligible for grant payments: Carver, Methuen, West Boylston, Braintree, Maynard, and Millbury.

The MMA has received several inquiries about landfill capping grants from other communities not eligible for this grant program. The MMA will be working hard to include landfill capping grants for these communities as part of the Open Space Bond Bill, which the Legislature is scheduled to act on this Fall.

### **Health Care Reform Debate Continues**

Although the U.S. Congress has interrupted formal debate on federal health care reform due to consideration of the Crime Bill, some members of the U.S. Senate continue to refine health care reform proposals. At this point, it is very uncertain as to what, if anything, will be adopted in the Senate.

The key bill under discussion has been the proposal of Senate Majority Leader George Mitchell (D-Maine). However, a group of 20 moderate senators has offered the Senate Mainstream Coalition's Health Care Reform Plan. The U.S. House of Representatives is scheduled to return from summer recess Sept. 8 and will debate its own plan sometime after that date.

Two key areas of concern for municipalities continue to be part of the debate: mandatory Medicare coverage for all uncovered state and local governments; and the unequal treatment of municipal employers and private sector employers, including the ability of local governments to experience rate, form pools or self-insure.

Other areas of concern to cities and towns include mandated contribution levels; expanded coverage for part-time employees; the elimination of the tax advantage for cafeteria plans and flexible spending plans; and any-willing-provider provisions.

Every proposal made thus far would impose an onerous mandate on cities and towns by ordering that Medicare payroll taxes be levied on state and local governments and their employees currently outside the system. The state's municipi-

palities pay Medicare taxes for employees hired after April 1, 1986. However, there are tens of thousands of municipal employees in Massachusetts who were hired before that date who are not covered by Medicare. The MMA has projected that the cost of mandating coverage for these employees statewide for fiscal 1997 would be approximately \$55 million for the state's local government employers. Municipalities would not be able to absorb the fiscal impact of this mandate without drastic cuts in essential local services, or increases in local taxes. The MMA position is that the federal government should assume the cost. If the Massachusetts Congressional delegation cannot gain that protection for the state's local governments, there are two alternatives to help ease the impact of the mandate: a four-year phase-in of the mandate, and the relaxation of Medicare eligibility requirements. The U.S. House Ways and Means Health Care Reform Bill provides for a 25 percent per year phase-in, over a four-year period beginning in 1997.

In many of the reform plans, municipal health insurance options are limited. Under the amended Mitchell plan, only private and municipal employers with more than 500 employees would be able to self-insure. This would limit many of the state's local governments to community-rated systems that would not be afforded the self-insurance option. The Mitchell bill would use state and local governments to expand the voluntary community-rated pools, which would include the uninsured, low-income individuals and other entities without the ability to self-insure. Municipal employers and employees would then be required to pay for a disproportionate share of financing federal health care reform by having their premiums incorporate the medical costs for these groups without concurrent responsibility on the part of private sector employers. The MMA is concerned that municipal employers who are not able to self-insure, i.e., those with fewer than 500 employees, would be unduly burdened and restricted.

In Mitchell's plan, the incentive for municipalities to join together and purchase health care insurance would also be removed for municipal employers with under 500 employees. Experienced pools would only be allowed for private and municipal employers that have over 500

employees. This requirement would end any advantage to pooling for local governments with fewer than 500 employees. Currently, more than e-quarter of the state's more than 500 local vernment entities have joined together to provide health care insurance for their employees, many of them with fewer than 500 employees. There are almost a dozen municipal health consortiums in Massachusetts in which local governments participate. Many of the efforts and innovations municipalities have successfully implemented would be eliminated if the Mitchell bill were to pass in its current form. The MMA's position is that federal health care reform should not restrict municipal employer options to anything less than what is available to private sector employers, and the 500 employee minimum for self-insurance should be relaxed. The Senate Mainstream Coalition Health Care Reform Plan has a threshold of 100 employees which appears to apply to both private and government employers.

The MMA, in conjunction with the National League of Cities, is monitoring developments and is seeking to make sure that municipalities' interests are heard. Municipal leaders are advised to ntact their members of Congress immediately to voice their concerns, especially on the Medicare tax mandate and the options to self-insure and joint purchase.

### Infectious Disease Bill Reported

The Legislature's Public Service Committee has favorably reported H. 5275 to the Committee on Counties, a bill that provides an infectious disease presumption for public safety and health employees. The bill would create a job-related presumption to public safety officials and public health care professionals who are totally disabled or die from hepatitis B, HIV, tuberculosis, and other infectious diseases resulting from an occupational exposure.

While not opposed to the intent of the proposal, the MMA has expressed objections to various provisions in the bill, including the scope of diseases covered; the lack of reporting requirements; the lack of control in determining whether the disease has been contracted on the job; the definition of employees covered by the bill; and

the potentially huge unfunded mandate that may be created by the bill. If the state is compelled to provide this presumption, the MMA believes it should stand behind its decision and fully fund it. The bill is written so broadly that it is possible that a municipality could be forced to assume the liability for the costs of work-related and non-work-related exposures to a variety of infectious diseases, some of which can be prevented through vaccination. The MMA is asking that the state provide funding for the mandate that would be created by the bill, and that its provisions be more specific. Local officials are encouraged to make known to their legislators their concerns regarding H. 5275.

### Federal Crime Bill in Senate

At *Bulletin* press time, the federal Crime Bill was lodged in the U.S. Senate. Last week, the U.S. House of Representatives passed a sweeping \$30 billion Crime Bill that would give the state of Massachusetts and its cities and towns nearly \$400 million for a wide range of programs, including new police officers, prison construction funds, enforcement efforts, and prevention measures.

In addition, the bill would create a Local Partnership Act that would provide almost \$50 million directly to Baystate cities and towns over the next six years for local crime prevention initiatives such as education and job programs, substance abuse treatment, youth programs and more.

Unfortunately, Republican Senate leaders have indicated that they intend to stall the bill unless substantial cuts are made in the House-approved bill. As the *Legislative Bulletin* goes to press, the prospects for the Crime Bill passing this year are uncertain.

### Trans. Bond Act Signed Into Law

The Transportation Bond Bill was signed into law on Aug. 23 freeing up millions of dollars for state highway and bridge projects and other transportation-related spending programs. The bond act also includes \$2.7 million for grants for the construction of chemical storage facilities in 73 municipalities in which the facilities are contaminated or in poor condition and are near a public

water supply. Chapter 90 funds for local road projects, which normally are included in the transportation bond act, were approved separately this year in early August as part of the state's omnibus capital spending act. The Massachusetts Highway Department plans to notify communities by early September of their share of the \$150 million authorization for fiscal 1995.

CC: D. HOWE  
D. ABST  
BOS

# MASS HIGHWAY

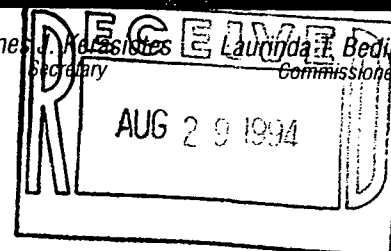
Office of the Commissioner

William F. Weld  
Governor

Argeo Paul Cellucci  
Lieutenant Governor

James J. Massioses  
Secretary

Lauretta E. Bedingfield  
Commissioner



August 25, 1994

Dear Acton Official:

This letter is to inform you that Chapter 85 of the Acts of 1994, enacted into law by Governor William F. Weld included an apportionment of \$300 million to cities and towns under the provisions of Section 34(2)(a) of Chapter 90 of the Massachusetts General Laws. Specifically, this letter is to certify to you that the total amount of your two apportionments of funds authorized under this Act for your community is \$ 989,028.00.

Please be advised that the amount of the first of the two apportionments to be made available to your community from said \$300 million is \$ 494,514.00. The release of these funds will be subject to the requirements and procedures contained in this letter.

Your Chapter 90 monies will continue to be utilized by the Massachusetts Highway Department to reimburse your community for actual expenses incurred on projects eligible for reimbursement.

We will continue to assist your community with the problem of appropriating monies to fund much needed capital improvements on local roads by working in conjunction with the Department of Revenue to implement the procedure of apportioning funds to communities in the form of an "available fund".

You must certify to the Massachusetts Highway Department that you have expended all of the Chapter 90 funds made available to your community through the 1983, 1985, 1988, and 1991 Transportation Bond Issues - or that you have a sum remaining that is insufficient to finance a proposed project - before this apportionment will be made available to you.

To clarify this certification requirement, upon execution of a Memorandum of Agreement (MOA), your community will complete the

Project Request Form, which will include the appropriate municipal official's certification that all uncommitted and/or unexpended Chapter 90 funds from prior transportation bond issues are insufficient to finance projects proposed under this Act.

Subject to approval of the above-mentioned Project Request Forms, we will notify the Department of Revenue that your first apportionment of Chapter 85 may be considered an available fund. The Department of Revenue, in turn, will inform you that:

(A) This amount shall be considered an available fund for appropriation by the city/town council or town meeting;

(B) This available fund appropriation should be from a special warrant article so the expenditure of this money may properly carry forward into the next fiscal year, if applicable; and

(C) No project-related expenditure may be made from this fund until such project has been approved by the Department through the signing of an appropriate Memorandum of Agreement and approval of the Project Request Form.

The Department will reimburse your community upon receipt of documentation that such project costs have been incurred. As in the past, these funds cannot be used for the maintenance of local roads and ways. However, funds may be expended for the repair, replacement or removal of underground municipal public works fuel tanks. In addition to the foregoing purposes, Chapter 90 funds may be used for bikeways, salt storage sheds, bikeways and public use off-street parking facilities related to mass transportation, for the care, repair, storage, replacement and purchases of road building machinery, equipment and tools, and for the erection and maintenance of direction signs and warning signs.

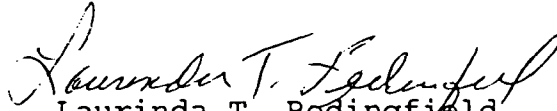
Please note that the Department will provide 100% reimbursement of the costs for those projects located on the State Aid Primary System, as well as for projects on all other local roads as designated by Chapter 90. Under the provisions of this Act, the Department will provide reimbursement for necessary or beneficial improvements to unpaved town and county ways. To constitute a public way the city/town must (a) assume responsibility for maintenance and (b) allow travel by the public subject to lawful traffic regulation.

You will be required to comply with all applicable statutes and regulations relative to the Commonwealth's construction bidding process, including but not limited to, Chapter 30, Section 39M and Chapter 149, Sections 26-27F and 44J. To assist you in this

regard, a summary of the Commonwealth's bidding process prepared by the Office of the Inspector General is available at your respective District Highway Office.

If you have any questions or require any additional information or assistance, please contact the Department's District Highway Office in your area.

Sincerely,

  
Laurinda T. Bedingfield  
Commissioner





Robert V. Antonucci  
Commissioner

**The Commonwealth of Massachusetts  
Department of Education**

350 Main Street, Malden, Massachusetts 02148-5023

(617) 388-3300  
(617) 388-3392 Fax

cc: BOS - PLEASE SEE NOTE ON P.2.

**M E M O R A N D U M**

**TO:** Superintendents and Chief Municipal Officials  
**FROM:** Robert V. Antonucci *RLN*  
**DATE:** September 1, 1994  
**RE:** Health Insurance Costs for Retired School Employees

The Massachusetts Board of Education approved the Finance Regulations for the Department of Education at a special meeting held on July 14, 1994. There were two changes that the Board adopted as a result of input from several organizations. The first was to include interest for short term borrowing as part of net school spending, and the second was to exclude from net school spending the cost of health insurance for retired school employees.

This latter change has caused a great deal of confusion and unnecessary concern for many communities. The reporting of these health insurance costs for retirees had been inconsistent throughout the state. Most regional school districts had included the cost as it was traditionally part of the school budget. In many cities and towns, it is carried in the municipal budget and was not reported. The original recommendation was to include it for all districts. Based on a number of inquiries, and after a careful review of this issue, it became clear this type of expense was expressly excluded from the foundation budget.

However, any regional school district or municipality that included the cost of health insurance for retired school employees in its FY'94 budget submitted on Schedule 19 of the 1992-93 End-of-Year Pupil and Financial Report may continue to count these costs as part of its actual FY'94 net school spending and as part of its budgeted FY'95 net school spending. In this way, districts and municipalities that had relied on these costs to fulfill their financial responsibilities under the terms of Chapter 70 will not find themselves out of compliance because of the Board's decision.

Districts that did not include these costs in their FY'94 budget will not be able to count them as part of their actual FY'94 net school spending or budgeted FY'95 net school spending.

Page Two

Superintendents and Chief Municipal Officials  
September 1, 1994

The Department of Education has mailed updated discs to all school districts that submit reports electronically so that they may report their actual and budgeted costs for retired employee health insurance in FY'94 and FY'95. They will also be asked to indicate whether these costs had been included in Schedule 19 of the 1992-93 End-of-Year Pupil and Financial Report. Districts that do not report electronically have been given an additional form as part of the 1993-94 End-of-Year Report to report the actual and budgeted costs and the Department will contact each of these districts directly to determine whether they were included in the FY'94 budget.

As the Department of Education prepares for FY'96, we will base each district's aid and minimum contribution on the FY'95 minimum net school spending less any appropriation for retired school employee health insurance. In this way all districts will depend on the same costs to reach the foundation budget.

IN OTHER WORDS ...

- IF WE TOOK THE HIT LAST YEAR WE CAN'T  
GO BACK AND REVERSE IT. WE HAVE TO LIVE  
WITH THE "HIT".

- IF WE DIDN'T TAKE THE HIT LAST YEAR WE NEVER  
HAVE TO TAKE IT!

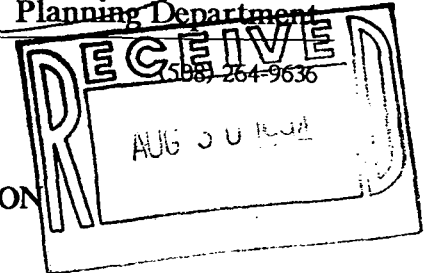
UNBELIEVABLE BUT CONSISTENT. THEY NOW  
HAVE DIFFERENT STANDARDS FOR DIFFERENT SCHOOL  
SYSTEMS AND THEY REALLY DON'T CARE WHETHER  
THIS PLACES A DISPROPORTIONATE BURDEN ON  
SOME TAXPAYERS !!

cc: BOS - FYI

Town of Acton

472 Main Street Acton, Massachusetts 01720

Planning Department



INTERDEPARTMENTAL COMMUNICATION

TO: Don P. Johnson, Town Manager

DATE: August 29, 1994

FROM: Roland Bartl, AICP, Town Planner

*R. B.*

SUBJECT: Site Plan #8/25/94-346, Disinfection Facility for Town of Concord

The principal concern that the Planning Department has sought to address in connection with this project is the availability of the Nagog Brook crossing for access to future development on adjacent land. This was the original purpose of the Hazelnut Street projection out of Acorn Park. The plans submitted with the application show a 40' wide right of way crossing the brook, and a culvert that accommodates a future roadway up to 24' wide. Our concerns have been addressed. I assume that these plans reflect the outcome of the environmental review. We want to be sure that the right of way is defined properly and assigned to all uses to which streets are commonly used in the Town of Acton. The actual driveway to be built at this time to access the disinfection plant, including the section over the brook, need not be wider than 12 feet; widening to full street width can occur in the future when the need arises.

Attachments for your information:

1. Comments by this department to the Board of Appeals concerning the same project, dated 8/15/94
2. MEPA Certificate for the project, dated 8/24/94.

cc: Garry Rhodes  
Planning Board

ridc.94\*57

**INTERDEPARTMENTAL COMMUNICATION****TO:** Board of Appeals**DATE:** August 15, 1994**FROM:** Roland Bartl, AICP, Town Planner**SUBJECT:** Hearing #94-19, Concord Public Works Commission

The applicant lists specific variance requests from various zoning bylaw sections. The following responds to each of these items:

1. Section 4.1.8.1.b)

I defer to the Engineering department to advise whether the project meets the 98% rule. The rule to retain 98% of flood storage volume is intended to minimize downstream increases in flooding and it should not be waived. A waiver would be irresponsible from the viewpoint of downstream landowners.

2. Section 4.3.6.2

This section requires that post-development groundwater recharge shall be not less than under pre-development conditions. Surface and ground water flows cannot be viewed in isolation, they defy artificial boundaries. Therefore, the recharge requirement applies to projects in all zones, including Zone 4. This project should be no exception.

3. Section 5.2.2

The project could not go forward without this variance. I do not see any harm in granting this variance.

4. Section 6.7.5, 6.7.6 and 6.7.7

Given the location of this project I do not see a problem with this request. However, plans should be submitted to allow evaluation of erosion control measures and landscaping of disturbed areas.

5. Section 6.8.3

The plan indicates a 200+ foot linear extension of a 40 foot wide street right of way, shown on the abutting Acorn Park subdivision, and another 40 foot wide layout from there to the proposed facility. These layouts should be sufficient for any future use. Eventually, they must be recorded with the registry. I see no problem with the request to allow a 12 foot wide driveway within these layouts. This is the width of a standard residential driveway and no more is needed for the use as currently proposed. There should be adequate turn around space for an SU-30 design vehicle. The driveway should be paved and banks stabilized to minimize

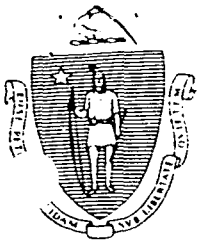
erosion.

6. Section 10.4.3.1

I defer to the Engineering Department to advise whether any proposed storm water control measures are adequate to meet zoning bylaw requirements. There should be no variance from the technical requirements of this section, for the reasons stated under item 1. above.

xc: Don P. Johnson  
David Abbt  
Planning Board

ridc.94\*54



*The Commonwealth of Massachusetts*  
*Executive Office of Environmental Affairs*  
*100 Cambridge Street, Boston, 02202*

WILLIAM F. WELD  
GOVERNOR

ARGEO PAUL CELLUCCI  
LIEUTENANT GOVERNOR

TRUDY COXE  
SECRETARY

August 24, 1994

Tel: (617) 727-9800  
Fax: (617) 727-2754

**CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS  
ON THE  
ENVIRONMENTAL NOTIFICATION FORM**

PROJECT NAME : Nagog Pond Disinfection Facility  
PROJECT LOCATION : Acton  
EOEA NUMBER : 10054  
PROJECT PROPONENT : Town of Concord  
DATE NOTICED IN MONITOR : July 25, 1994

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, s. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that the above project does not require the preparation of an Environmental Impact Report.

The proposed project is a water disinfection facility for the Town of Concord municipal water supply at Nagog Pond. Pursuant to the Federal Surface Water Treatment Rule (SWTR) established by the Environmental Protection Agency, public surface water supplies must either be filtered or disinfected to minimize the potential impacts of microbial contamination. The Town of Concord and the Department of Environmental Protection have entered into a Consent Order to bring this municipal water supply into compliance with the SWTR and the schedule for compliance is currently being renegotiated.

As noted in the comment from the DEP, NERO, the filtration system alternative would have greater environmental impacts than the proposed disinfection facility because of chemical use, the requirement for sedimentation basins, and residuals handling and disposal.

The proposed project will result in wetlands alterations where the access roadway to the facility crosses a stream and where a new pipeline connection will be made near the dam at Nagog Pond. The extent of that alteration has been reduced from about 7000 square feet to 4208 square feet during the

Environmental Notification Form review. The DEP, CERO Wetlands Division appealed the Order of Conditions issued by the Conservation Commission due to bordering vegetated wetlands alteration in excess of 5000 square feet. However, the appeal may be withdrawn after the Town of Acton issues an amended Order of Conditions because the wetlands' impacts have been reduced and the wetlands replication plan has been clarified.

The Town of Concord investigated the potential for archaeological resources as requested by the Massachusetts Historical Commission. Significant resources were not found and so further study is unnecessary.

In view of the fact that this project is being designed to protect public health and the impacts of the project on wetlands resources have been minimized, no further MEPA review is required.

August 24, 1994

DATE

Trudy Cox Acton, MA  
Trudy Cox

Comments received:

7/25/94	MHC
8/12/94	Town of Acton
8/15/94	DEP, NERO

P:10054.enf

TC/NB/nb

Acton 12378



RECEIVED  
JUL 2 1994  
MEPA

MB

May 6, 1994

Eleanor M. Duffy  
Haley & Ward, Inc.  
25 Fox Road  
Waltham, MA 02154-1066

RE: Proposed Nagog Pond Water Disinfection Facility, Acton, MA. (MHC #12378)

EOEA # 10054

Dear Ms. Duffy:

Thank you for submitting additional information to the Massachusetts Historical Commission regarding the project referenced above. MHC staff have reviewed the project plans, received April 8, 1994 and would like to offer the following comments.

The project area is considered to possess a strong likelihood for containing significant archaeological sites. Since the area has not been systematically examined by archaeologists, no archaeological sites have yet been recorded within the project. However, an archaeological survey of the nearby Acorn Park Development in 1986 identified two small ancient Indian camp sites (Site 19-MD-585 and -586). In New England, archaeological sites are usually buried in the soil and thus require systematic test excavations to be identified.

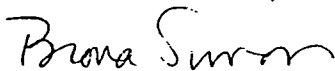
The archaeological sensitivity of the project area is principally defined by a diversity of favorable environmental characteristics which includes proximity to Nagog Pond and Nagog Brook. The availability of fresh water along with a variety of plant and animal resources would have made this an attractive place for Indian peoples to settle in the past. The types of sites which can be expected range from small, special purpose camps for hunting or resource processing to larger habitation sites. Artifacts which can be expected include a variety of stone tools used in hunting, fishing, and woodworking; chipping debris from stone tool manufacturing; animal, fish and bird bone; and charred seeds and nuts. Furthermore, review of the Inventory of Historic and Archaeological Assets of the Commonwealth indicates that prehistoric sites have been discovered in similar environmental contexts.

MHC requests that an intensive (locational) archaeological survey (950 CMR 70) of project impact areas, including the disinfection facility, the access road, and the culvert crossing of Nagog Brook, be conducted in compliance with Section 106 of the National Historic Preservation Act of 1966 (36 CFR 800), Massachusetts General Laws, Chapter 9, Sections 26-27C, as amended by Chapter 254 of the Acts of 1988 (950 CMR 71) and MEPA. The goal of the survey should be to locate and identify any important archaeological resources which may be affected by the proposed development.



e MHC is willing to assist project proponents in developing an appropriate scope for the survey. If you have any questions, please feel free to contact Connie Crosby of my staff.

Sincerely,



Brona Simon  
State Archaeologist  
Deputy State Historic Preservation Officer  
Massachusetts Historical Commission

xc: JoAnne Vizziello, EPA  
Secretary Trudy Coxe, EOEA/ MEPA Unit  
DEP/DWPC, Central Regional Office

TOWN OF ACTON

PLANNING DEPARTMENT

472 Main Street  
Acton, MA 01720

(508) 264-9636  
(508) 264-9630 fax

August 12, 1994

The Honorable Trudy Coxé, Secretary  
Executive Office of Environmental Affairs  
MEPA Unit  
100 Cambridge Street  
Boston, MA 02202

RECEIVED  
AUG 15 1994  
MEPA

re: ENF-113-94  
MEPA #10054  
Nagog Pond Disinfection Facility

Dear Secretary Coxé:

The Town of Acton has reviewed the above described notification, attended the scoping session held on 8/4/94, and we have met with the project proponent several times during the course of developing the project.

We support the project proposed by the Town of Concord and recognize their need for construction of a disinfection facility at Nagog Pond. The ozone disinfection facility appears to be the best option available and will have little, if any, impact on the environment post construction. However, we do have some concerns with the proposed brook crossing and have expressed them to the Town of Concord.

We call your attention to the brook crossing which features a culvert that appears to be substantially over-designed. We suggest that the size of the culvert be reduced to the minimum width acceptable to the Planning Board in an effort to minimize adverse impacts to the brook, the bank, and the adjacent wetlands. It is commendable that the proponent wants a crossing that will ensure a one-time disturbance of the wetlands; however, we believe the size of the culvert can be reduced and still result in a crossing that will adequately serve future land uses. The parcels of land on either side of the brook are likely to be developed into large residential subdivisions. On one side of the brook exists Acorn Park, an approved planned unit development of 60+ homes, which provides access to the site of the disinfection facility. On the opposite side of the brook is a large tract of undeveloped residential land that could support a substantial subdivision. In view of this development potential, the roadway layout for the crossing should be 40' wide to accommodate a 22' wide paved road and the associated utilities and improvements.

The Town has also suggested that the driveway to the disinfection facility should be a paved drive, at least 10' wide, instead of the 20' wide gravel drive proposed. We believe the pavement is necessary to provide a stable, safe access and to minimize the siltation that typically occurs when gravel roads are used on steep slopes.

The Town of Acton believes that the reduction of the culvert and the paved access

driveway are fairly straightforward changes to the proposed project that could be accomplished in a timely manner and will not adversely impact Concord's mandate for the construction of a disinfection facility.

Thank you for your attention to these comments. If you have any questions or require additional information, please do not hesitate to call me.

Sincerely,

A handwritten signature in cursive script that reads "Donna M. Jacobs".

Donna M. Jacobs  
Assistant Planner

cc: D. Johnson, Town Manager  
D. Abbt, Engineering Administrator  
G. Rhodes, Building Commissioner  
Planning Board  
H. Storrs, Town of Concord  
E. Duffy, Haley & Ward  
M. Stone, DEP Central Region  
K. Stasiowski, MAPC



Commonwealth of Massachusetts  
Executive Office of Environmental Affairs

**Department of  
Environmental Protection**  
Metro Boston/Northeast Regional Office

William F. Weld  
Governor

Trudy S. Coxe  
Secretary, EOEA

Thomas B. Powers  
Acting Commissioner

RECEIVED

AUG 17 1994

MEPA

August 15, 1994

Trudy Coxe, Secretary  
Executive Office of  
Environmental Affairs  
100 Cambridge Street  
Boston, MA 02202

RE: Nagog Pond Disinfection Facility  
ENF/Acton: EOEA #10054

Attn: MEPA Unit

Dear Secretary Coxe:

The Northeast Regional Office of the Department of Environmental Protection has reviewed the ENF submitted by the Town of Concord for the proposed construction of a disinfection facility for the existing surface water supply at Nagog Pond (EOEA #10054).

The U.S. Environmental Protection Agency established the Federal Surface Water Treatment Rule (SWTR) to protect consumers of public surface water supplies from microbiological contamination, particularly *Giardia*. Under the SWTR and 310 CMR 22.20A, public surface water supplies must either 1) be filtered; or 2) receive disinfection with an extended contact time, in addition to thorough watershed protection.

The Department of Environmental Protection has entered into a January 16, 1992, Consent Order with the Town of Concord (amended on June 3, 1993) to bring the Town into compliance with the SWTR and 310 CMR 22.20A. The proposed disinfection facility is being built as part of the Consent Order. Due to issues that have arisen regarding siting of the disinfection facility, construction has been delayed, and the Town of Concord is presently not meeting the timelines of the Consent Order. The Department and the Town are working on an amendment to the Consent Order that includes revised timelines.

The "No-Action Alternative" is not acceptable to the Department as it will not bring the Town of Concord into compliance with the SWTR and 310 CMR 22.20A. The only alternative to construction of a disinfection facility would be a water filtration plant, which would have a greater environmental impact, as it would require greater use of treatment chemicals, necessitate some form

of basins or lagoons for backwashing the filters, and create a waste stream in the form of sedimentation basin sludge and backwash residuals.

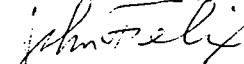
Construction of the disinfection facility requires a permit from the DEP Division of Water Supply. The plans and specifications for the facility have been submitted to the Division of Water Supply for review and approval; the documents were received by the Department on July 29, 1994.

If the disinfection facility is to include an emergency power generator, it may require an air quality permit from the Department, in accordance with 310 CMR 7.02. An emergency generator with an energy input capacity of less than 3 million BTU per hour is exempt from the requirements of 310 CMR 7.02. An emergency generator with an energy input capacity of more than 10 million BTU per hour requires preinstallation approval from the Department. A generator with a capacity between 3 million and 10 million BTU per hour must either follow the work practices set forth in 310 CMR 7.03 or receive preinstallation approval under 310 CMR 7.02.

The above comments are limited to the impact this proposed project will have on the Town of Concord water supply. Nagog Pond provides about half of the public water supply for the Town of Concord, a municipality within the boundaries of the DEP Northeast Regional Office. The DEP Central Regional Office (CERO) has raised concern regarding the impact the proposed project will have on wetland resource areas in Acton. In a letter dated August 3, 1994, the CERO appealed the Order of Conditions issued by the Town of Acton for this project (DEP File # 85-446). Further information regarding this appeal can be obtained by contacting Marielle Stone at the DEP Central Regional Office (508) 792-7650.

The DEP Northeast Regional Office appreciates the opportunity to comment on this proposed project. If you have any questions regarding these comments, please contact me at (617) 935-2160.

Sincerely,



John Felix,  
MEPA Review Coordinator

cc: James Persky, DEP/DWS, NERO  
James Sprague, DEP/DWW, NERO  
Marielle Stone, DEP/DWW, CERO

# PALMER & DODGE

One Beacon Street  
Boston, Massachusetts 02108

Acheson H. Callaghan, Esq.  
(617) 573-0178

Telephone: (617) 573-0100  
Facsimile: (617) 227-4420

August 30, 1994

Mr. Don Johnson  
Town Manager  
P.O. Box 236  
Acton, MA 01720

Dear Don:

I enclose our bill for services through July.

If you have any questions, please let me know.

Very truly yours,

  
Acheson H. Callaghan

AHC/dcb

Enclosure

CHRIS - PLS. PREPARE FOR PYMT.

CC: ~~BOS~~  
ROY W.  
MARCELLA S.  
ROLAND B.  
GARRY R.

COVER & 2 PAGE SUMMARY.

9/1/94

✓ 9/2

August 30, 1994

Town of Acton  
P.O. Box 236  
Acton, MA 01720

**PALMER & DODGE**

One Beacon Street  
Boston, Massachusetts 02108-3190  
Telephone: (617) 573-0100  
FEDERAL I.D. NUMBER 04-2170788

For professional services through July, 1994, as follows:

**General Town Matters**

Review and advice concerning bidding procedures;	\$ 1,700.00
Research and advice regarding collection of taxes on personal property; advice regarding c. 61A option to acquire agricultural land;	1,200.00
Research and opinions on zoning and planning issues, including decision by Board of Appeals on application for earth removal permit (Lawsbrook); continued validity of special permit for Bellows Farms PCRC; and miscellaneous other questions;	2,200.00
Advice regarding U.S. Supreme Court decision in <i>Doland v. City of Tigard</i> , and miscellaneous other matters;	400.00
Services in connection with collective bargaining and personnel matters;	2,900.00

**Litigation and Related Matters**

Services in connection with tax abatement matters at Appellate Tax Board;	110.00
Services in connection with appeal by Mobil Oil from denial of sign permit; and	140.00
Preparation of answers to interrogatories and document discovery and other services in <i>James v. Acton</i> .	<u>2,300.00</u>

**TOTAL SERVICES** \$ 10,950.00

ESTIMATED SERVICES INCURRED BUT NOT POSTED PRIOR  
TO THE BILLING DATE WILL APPEAR ON A  
SUBSEQUENT STATEMENT.

DUE AND PAYABLE WITHIN THIRTY DAYS

**Disbursements**

Duplication	\$ 34.20
Hand delivery	5.00
Telecopier	111.00
Telephone	35.23
Travel & Related Expenses	<u>92.44</u>

**TOTAL DISBURSEMENTS**      **\$ 277.87**

**AMOUNT DUE**      **\$ 11,277.87**



TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATION

DATE: August 18, 1994

TO: Don P. Johnson, Town Manager  
FROM: Garry A. Rhodes, Building Commissioner *GAR*  
SUBJECT: Site Plan Special Permit #7/15/86-277  
171 Great Road AC Chevrolet  
Condition 1.12 (Sidewalk)

There was a requirement that a sidewalk be constructed on this site when directed by the Board of Selectmen. The Board voted on October 20, 1992 for Mr. Moran to install this sidewalk. There has been numerous delays that Mr. Moran has keep me advised of. Those obstacles have been overcome. The purpose of this IDC is to inform you that Mr. Moran has now completed the construction of the sidewalk to my satisfaction which was the final item of the site plan.

cc. Mr. Moran

*GAR -*

*8/26*  
*DOES THIS NEED TO GO  
BEFORE BOS?*

*[Signature]*

*CC: BOS - FYI*

TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATION  
TOWN MANAGER'S OFFICE

\*\*\*\*\*

DATE: September 1, 1994

TO: David Abbt  
FROM: Don P. Johnson, Town Manager  
SUBJECT: Summer and Willow Streets

I have attached statistics and information from the Police Chief concerning accidents at the subject intersection over the past 5 1/2 years. Please review this material and send me your comments/recommendations.

At a minimum, I would ask that you prepare diagrams of the most prevalent types of accidents at this location. I anticipate that this might give us some clues as to why an apparently open, uncomplicated intersection seems to have more than its share of accidents.

cc: Police Chief - w/o attachments  
Board of Selectmen - w/o attachments ✓



# MAGIC

Acton  
Boxborough  
Carlisle  
Concord  
Hudson



Littleton  
Marlborough  
Maynard  
Stow  
Sudbury

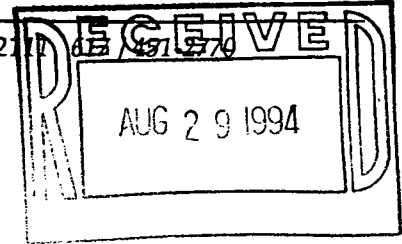
**MINUTEMAN ADVISORY GROUP  
ON INTERLOCAL COORDINATION**

*A Subregion of Metropolitan Area Planning Council*

cc: BOS

## Minuteman Advisory Group on Interlocal Coordination

c/o MAPC, 60 Temple Place, Boston, MA 02111



### MEETING NOTICE September 8, 1994 Boxborough Town Hall 29 Middle Rd. (off Rt. 111) Boxborough

#### 7:30 p.m. Updates and Briefings

State of the Region

TIP Update

Rt. 2 CAC: Status & Liaison Mechanism

Ft. Devens: Information & Input Mechanism

Central Mass. Branch Railroad

Rep. Evans wants support for restoration of the Central Mass. Branch Railroad. MAGIC reps should be prepared to speak for their communities on this issue.

DRI Status Report

Marlborough-Berlin Regional Shopping Center: MEPA Certificate

Rt. 20 & Rt. 30 Expansion: MetroWest review

Other

#### 8:15 p.m. TEAM Hanscom Presentation

Mark Provost will speak about TEAM Hanscom, a group seeking to retain Hanscom as an active base.

#### 8:45 p.m. FY 95 MAGIC Work Program \*

Plan year's activities, including Housing Task Force follow-up and Growing Smart forum.

#### 9:00 p.m. Economic Development Initiative: Start-up & Planning \*

MAGIC has been awarded substantial MAPC staff time to undertake a year-long project to evaluate economic development opportunities and priorities in the subregion. Activities will include a major forum for selectmen, business leaders, and others. As a first step, MAGIC will plan out the year's scope and timeline and identify first steps.

*\* Informational materials are enclosed in mailings to active MAGIC members. Please review them in advance.*

ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE

Library  
Junior High School

September 1, 1994  
7:00 p.m. - Executive Session  
7:45 p.m. - Regular meeting

AGENDA

- I. CALL TO ORDER
- II. JOINT EXECUTIVE SESSION
- III. APPROVAL OF MINUTES OF JULY 7, JULY 28 and AUGUST 22, 1994 and STATEMENT OF WARRANT
- IV. CHAIRMAN'S INTRODUCTION
- V. PUBLIC PARTICIPATION
- VI. OLD BUSINESS
  1. Performance Evaluation of the Superintendent
  2. Review of School Committee Goals
- VII. NEW BUSINESS
  1. Revote CASE West SPED Transportation Budget
  2. Recommendation to Award Bread Bid
  3. Revised Religious Holiday Policy and Procedures - First Reading
  4. Central Office Reorganization
  5. Report on Leadership Conference (District Goals for 1994-95)
- VIII. FOR YOUR INFORMATION
  1. Letters from Parents
  2. Last Day of School Attendance
  3. Profile of the Class of 1994
  4. Personnel Information
  5. School Object Report
  6. *Interaction - Fall 1994*
  7. Bids Received for Bonding for Energy Project
- IX. WARRANT DISCUSSION
- X. CONCERNS OF THE COMMITTEE
- XI. NEXT MEETING - October 6, 7:00 p.m. - JH Library
- XII. ADJOURNMENT



Commonwealth of Massachusetts  
Executive Office of Environmental Affairs

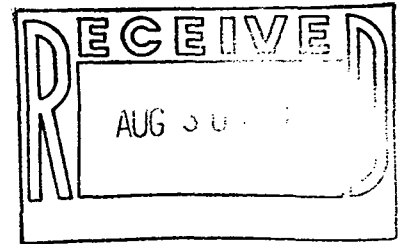
**Department of  
Environmental Protection**  
Central Regional Office

William F. Weld  
Governor

Trudy Coxe  
Secretary, EOE

Thomas B. Powers  
Acting Commissioner

cc: BOS



**NOTICE OF AUDIT**

*This is an important notice.*

*Promptly respond to any requests contained herein.*

**CERTIFIED MAIL: RETURN RECEIPT REQUESTED**

Mobil Oil Corporation  
One Technology Park Drive  
Westford, MA 01886

Attention: Mr. Frank J. Maglio,  
Project Engineer II

August 17, 1994

Re: CRWSC - Acton  
Mobil Station #01-232  
204 Main Street

Site #2-0000747

**NOTICE OF AUDIT**  
**per M.G.L. c. 21E**  
**& 310 CMR 40.0000**

Dear Mr. Maglio:

Massachusetts General Law Chapter 21E requires the Massachusetts Department of Environmental Protection ("DEP") to audit response actions not approved by the Department at sites of releases of oil or hazardous material to ensure that these actions are being conducted according to M.G.L. c. 21E, the Massachusetts Contingency Plan ("MCP"), and other relevant laws and regulations. The MCP at 310 CMR 40.1100 establishes procedures for conducting such audits.

The site referenced above has been selected by DEP for an audit. The audit will be conducted by DEP staff in the Central Regional Office in Worcester, Massachusetts. The audit will specifically focus on the Release Abatement Measure ("RAM") described in the March 29, 1994 RAM Plan submitted to the Department. Additional information may also be examined as appropriate. This notice describes the scope of the audit and the type of audit activities the DEP initially intends to perform along with your responsibilities and relevant deadlines. A fact sheet and flow chart that describe the audit process are also included as part of this notice. Note that, during an audit, response actions can proceed as planned unless you are otherwise notified by DEP.

NOTICE OF AUDIT

Page 2

Mobil Station #01-232, Site #2-0000747

August 17, 1994

If you have any information in your possession that, to your knowledge, has not been previously submitted to the Department, including RAM Status Reports or the RAM Completion Statement, please submit this information to DEP within fourteen (14) calendar days of your receipt of this Notice of Audit. Any information received within this time frame shall be taken into consideration by the Department during the audit process. Submittals to the Department must contain the certification of submittal as specified in 310 CMR 40.0009 and included as Attachment 1 of this Notice. Please note that RAM Status Reports must be accompanied by Department Transmittal Form BWSC-010 (copy attached); a copy of the RAM Completion Statement Form BWSC-008 is also attached.

**Request for Site Inspection.** Pursuant to M.G.L. Chapter 21E §§ 2, 4, and 8, 310 CMR 40.0166, and 310 CMR 40.1120(d), employees, agents, and contractors of DEP may enter any site or vessel to investigate, sample, or inspect any documents, conditions, equipment, practice, or property as part of the audit. DEP requests an appointment to inspect the site during the week of September 4, 1994 to September 9, 1994 and discuss issues relevant to this audit.

The inspection will be conducted by Jason Edmonds of the Bureau of Waste Site Cleanup (BWSC). You or your representative are requested to attend and/or provide reasonable access; your consultant may also attend. A copy of this Notice is being sent to your LSP, Joseph Italiano of Handex of New England, Inc. Please call Jason Edmonds within seven (7) days from receipt of this letter at (508) 792-7653 to confirm the inspection time and date. The purpose of the inspection will be to inspect site conditions, operations, and layout.

At the completion of this phase of the audit the Department may:

- (1) Issue a Notice of Audit Findings which may include a statement of deficiencies and steps to correct those deficiencies.
- (2) Request that you, and if you choose, a representative, appear at the Department's office for an interview to provide an oral explanation and other supporting evidence to demonstrate compliance and then issue a Notice of Audit Findings.
- (3) Conduct further site investigations and issue a Notice of Audit Findings.
- (4) Issue a Notice of Audit Findings and request that you participate in Compliance Assistance pursuant to 310 CMR 40.1150.
- (5) Initiate enforcement actions listed at 310 CMR 40.1140(2) if violations of M.G.L. c. 21E or the MCP have been identified.

NOTICE OF AUDIT

Page 3

Mobil Station #01-232, Site #2-0000747  
August 17, 1994

If you have any questions regarding this notice or any requirements contained in it please contact Jason Edmonds at the Central Region Office at (508) 792-7653. Please reference the DEP Case Number in any correspondence regarding the site. The Department thanks you for your full cooperation in these matters.

Very truly yours,



Mary K. Gardner  
Section Chief  
Compliance/Site Management  
Bureau of Waste Site Cleanup

Attachments

cc: Acton Board of Health  
Acton Board of Selectmen  
Mr. Stephen Winslow, Audit Coordinator, DEP/BWSC-Boston  
Ms. Larissa Drennan, BWSC/DEP-Boston  
Joseph Italiano, Handex of New England  
398 Cedar Hill Street, Marlborough, MA 01752  
Data Entry

MKG/MLjde  
\audit\2-0747\noa

ATTACHMENT 1

CERTIFICATION OF SUBMITTAL (310 CMR 40.0009)

*This certification must be included with all submittals to DEP.*

I certify under the penalties of law that I have personally examined and am familiar with the information contained in this submittal, including any and all documents accompanying this certification, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, the material information contained herein is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties, including, but not limited to, possible fines and imprisonment, for willfully submitting false, inaccurate or incomplete information.

Name (please print): \_\_\_\_\_

Position or Title: \_\_\_\_\_

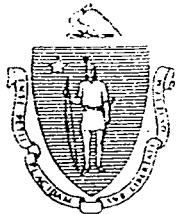
Signature: \_\_\_\_\_

Date: \_\_\_\_\_



cc: BOS

CABLE ADVISORY COMM.



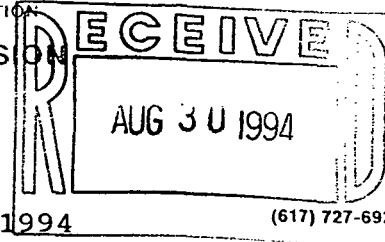
THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION

COMMUNITY ANTENNA TELEVISION COMMISSION

LEVERETT SALTONSTALL BUILDING

100 CAMBRIDGE STREET, BOSTON 02202



August 25, 1994

(617) 727-6925

Mr. David A. Green  
Assistant General Manager  
A-R Cable Services, Inc.  
577 Main Street  
Hudson, MA 01749

Re: Refund Plans: A-R Cable Services, Inc. and CSC  
Acquisition Corp.

Dear Mr. Green:

The Massachusetts Community Antenna Television Commission (the "Commission") has received your letter of August 23, 1994 and the accompanying detailed refund statement for A-R Cable Services, Inc. and CSC Acquisition Corp.

Certain questions have come to the Commission's attention during the review of this statement.

1. For each system and category of refund, we need a breakdown of how many subscribers are affected, and what the total refund will be.
2. Please confirm whether or not interest on refunds is computed past July 14, 1994 to the date when the refund is paid.
3. The August 23, 1994 submission has a single category called "Montachusett", whereas the June 10, 1994 Plan submitted by Mr. Morton to the Commission describing the refund plan had a separate breakdown for the three separate clusters of communities: Fitchburg; Leominster and Lunenburg; and Gardner, Templeton and Westminster. The Commission is baffled by the identical refunds for the three separate clusters within the Montachusett system, given their divergent broadcast basic programming rates.
4. The amounts shown for refunds in the June 10, 1994 Plan show certain programming and equipment charges (the bottom five lines), to be used as monthly offsets to installation charges (the top five lines). However, these programming and equipment charges do not match those shown on the August 23, 1994 detailed statement. For example, for Norwood, the June 10, 1994 Plan indicates a variance between \$1.47 and \$1.67 per month, while the detailed statement indicates a "net programming" offset of \$1.56 per month. For each

system, please explain why these variances do not match, and break down the net programming offsets into components, if necessary.

Please do not hesitate to contact the Commission if you have any questions or seek further clarification.

Sincerely,

A handwritten signature in cursive script that reads "Jill M. Reddish". The signature is written in dark ink and is positioned above the printed name and title.

Jill M. Reddish  
Acting Commissioner

cc: Issuing Authorities

# MAPC NEWS

*A Monthly Publication of the Metropolitan Area Planning Council*

*September 1994*

## Area Conferences

MAPC staff will, over the next two months, be presenting the agency planning efforts at several New England regional forums.

On Friday, September 23, 1994, Chief Transportation Planner, Dan Fortier will speak as part of a panel on *Fueling the Future: New England Transportation Initiatives*, at the Eco Expo Green Business Conference, to be held at the World Trade Center in Boston. Dan will talk about the Greater Boston Clean Cities Initiative.

On Tuesday, October 4, 1994, Deputy Director Ed Bates will moderate a panel on the *Legal Framework for Sustainability* as part of S/EV 94 Sustainable Transportation Conference in Providence, Rhode Island. Also on October 4th, Dan Fortier will speak as part of a panel on *How to Meet Federal and State Regulations*, at the S/EV Conference. His topic will relate to the Clean Cities Initiative and implementing alternative fuels.

On Wednesday, October 5, 1994, Growth Management Planner Kent Stasiowski will moderate a panel on *Land Use Decisions and the Private Market*, at the S/EV Conference. Kent will also present MetroPlan 2000's concentrated development framework as part of this panel with a paper entitled "MAPC: Encouraging Urban Density."

On October 16th and 17th, 1994, the Massachusetts and Rhode Island Chapters of the American Planning Association will meet at the Viking Hotel and Conference Center in Newport, Rhode Island. Meredith Pickering, the new Demographic and Economic Analyst for MAPC, is organizing two of the seventeen sessions: "*Are We Gambling With Casinos?*", a panel discussion on the issues surrounding casino development in southern New England and "*Transmission Line Citing: Issues and Answers*," a panel discussion on the legal, social and economic implications of constructing or relocating electric transmission lines.

Finally, on Saturday, October 22, 1994, Dan Fortier will speak as part of a panel on *Moving People/Moving Goods* at a conference sponsored by the Pollution Prevention Consortium of New England Universities entitled *Changing Courses of Pollution/Pollution Prevention*. This conference will be held at MIT.

## The Mann Award

MAPC is pleased to announce a new regional award, named after the late Mayor Theodore Mann, for outstanding community leadership and excellence in planning and intermunicipal cooperation. MAPC is seeking applications from individuals or organizations for outstanding community leadership on projects completed between June 1994 and May 1995. Awards will be based on individual activities that significantly contributed to a project or solved a problem through planning and intermunicipal cooperation. Projects must be of exceptional quality and/or have significant impact on the community. The award will be given annually beginning May 1995. Nomination forms are available from Lois Baxter at MAPC.

Contact: David C. Soule

## MAPC Obtains an Additional \$295 Million for Communities

MAPC and EOTC recently reached an agreement to place an additional \$295 million of local transportation projects into the Transportation Improvement Program for FY 95-97. The Draft TIP distributed to communities on July 12, 1994, included \$548 million in Non-Central Artery Tunnel projects. The agreement reached will raise the Non-Central Artery Tunnel projects in the TIP to \$843 million. This was a major breakthrough and the MAPC communities will be the beneficiaries. As a result, the MAPC Executive Committee voted to approve the TIP on August 17, 1994.

It is now up to MAPC and the communities to make sure that local projects on the TIP move forward through the engineering and approval process to implementation.

## Save The Date!

**October 26th  
Council Meeting**

The date for MAPC's Fall Council Meeting has been set for October 26th. Check your mail for your invitation with all the important details.

## Central Artery Oversight Committee Given Award

On July 29th, at their Annual Awards Dinner, MOVE Massachusetts 2000 honored the Central Artery Environmental Oversight Committee for their success in ensuring that the commonwealth meets its environmental commitments to the Central Artery/Tunnel Project (CA/T). MAPC hosts the Oversight Committee by providing office space and facilities for its staff. Accepting the "Environmental Achievement Award" for the Committee were Robert Tuchmann, Committee Chair, and Anne Fanton, Committee Director.

MOVE Mass. 2000 is a coalition of business, labor, environmental and community organizations convened to promote the timely completion of the CA/T project as an integrated element of an intermodal regional transportation system. The environmental commitments, including transit, open space, air quality and traffic management improvements, are the measures that will ensure that CA/T is more than a highway project. An August, 1994 Commitment Report is available by calling Anne Fanton at MAPC.

Contact: Anne Fanton

### MAPC NEWS

MAPC News is published monthly by the Metropolitan Area Planning Council for the citizens of greater Boston. Subscription is free. News submissions are subject to editing and should be sent to the Public Information Officer, MAPC, 60 Temple Place, Boston, MA 02111; (617) 451-2770; fax (617) 482-7185.

<i>President:</i>	Edmund P. Tarallo
<i>Vice President:</i>	William G. Constable
<i>Secretary:</i>	Donna Jacobs
<i>Treasurer:</i>	Richard A. Easler
<i>Director:</i>	David C. Soule
<i>Editor:</i>	Ed Bates
<i>Designer:</i>	Susan Pawlowski

## "LOCAL NET" Goes On-Line

In June, the Massachusetts Municipal Association (MMA) and the MAPC introduced Local Net, a limited access computer bulletin board system, as a service to local government. The network has been designed to provide electronic mail and other information services.

Local Net runs on FirstClass software, a multi-faceted, graphics-based communications system. Windows and Macintosh users can dial in with special "client" software that gives them familiar desktop-and-icon interface. Users with other personal computers can dial in with any standard communications program. A computer and a modem are all that is needed to access Local Net.

Local Net allows the user to do the following: 1) exchange mail and files with other users, 2) read and contribute to discussion areas (i.e. "conferences"), 3) "download" files from libraries maintained by the MMA and the MAPC, and 4) "chat" with other users who are connected at the same time. The MAPC has put on numerous model bylaws, the Data Center database, a recent U.S. Supreme Court decision on regulatory takings and the MetroPlan 2000 document. We plan to expand our offerings as we gain proficiency with the system. Examples of future data sets includes legislation, GIS, pavement management and conferences related to many planning-related issues. The MMA has uploaded files pertaining to its own services and organizational structure, as well as national and international conferences on specific subject matter. Some of these are accessible to MAPC registrants.

Contact: Paul DeCoste

## State Transportation Plan

EOTC has initiated work on the long-range Statewide Transportation Plan. The plan is a comprehensive transportation vision for the state through the year 2020. It will identify policies and initiatives to help the Commonwealth plan for the future of its multimodal and intermodal transportation network as to guide infrastructure investment decisions into the 21st century. The following eight policy areas are included:

- ◆ Integrated and Cooperative Planning Process
- ◆ Infrastructure Preservation
- ◆ Transportation System Safety
- ◆ Mobility for People and Goods
- ◆ Transportation System Access
- ◆ Economic Development
- ◆ Environmental Land Use, and Quality of Life
- ◆ Cost Effectiveness and Financing

A presentation of the complete draft will be made at the October 12th meeting of the Joint Regional Transportation Committee at 3:30 p.m. in Conference 2 in the Transportation Building.

## New Members

MAPC welcomes Mary Cassidy from Everett, Roger Hawk from Peabody, Neal Heeren from Bolton, Margaret Wang from Carlisle, Valerie Kilduff from Stoughton; and two new gubernatorial appointees, Rudolph Hermosa and Carter Lowe to the Council membership.

## Legislative Seminar

On August 16th, MAPC held a *Legislative Seminar* at the Mass. Bar Association. The seminar's purpose was to empower the MAPC community through a better understanding of the state and federal legislative processes. Among the speakers: Edith Netter, attorney and mediator on the importance of legislation to planning; Scott Ferson, Legislative Aide to Senator Kennedy on the federal legislative process; Representative Jim Brett on the state legislative and budget processes; Chala Tawa of the League of Women Voters on effective lobbying; and Lori Wells, MAPC Legislative Coordinator on the MAPC legislative process. "Legislative Strategy Packets" which highlight the seminar's discussions are available.

Contact: Lori Wells

## Chapter 90

During August, Governor Weld signed the Capital Outlay Bill into law. This law contains \$300,000,000 in Chapter 90 allocations for local road improvements. MAPC encouraged the legislature to increase the funding. The funding spans a two-year period and contains a 70% increase from the 1991 bond. The Chapter 90 program has been expanded to include the use of funds for gravel roads, the purchase of tools, equipment, road building machinery, engineering services and expenses, salt storage sheds and public off-street parking facilities, the erection and maintenance of direction signs and warning signs, and lease purchasing equipment. Funding is available immediately through cost reimbursements.

Contact: Lori Wells

## Somerville Community Development Brochures

Communities looking for good ideas for their community development program or simply wanting to review some impressive brochures, should contact Somerville. Somerville has two new brochures: one on its Storefront Improvement Program and another on a Direct Loan Program. Both brochures concisely explain the subject program and indicate who to contact for additional information. The Storefront Improvement Program brochure is especially interesting because it provides before and after color photos and renovation costs.

Contact: Alex Cantave, Somerville, (617) 625-6600 x2500.

## Draft Population Forecasts

New draft population forecasts by the Metropolitan Data Center have elicited a number of comments. Some communities believe their growth will be faster than forecasted, while others believe their past population losses are now being reversed. Still others comment that their school-age and elderly populations are undergoing dramatic growth, inconsistent with the draft forecasts. These comments are being reviewed. If you would like a copy of the draft forecasts, please contact Douglas Carnahan.

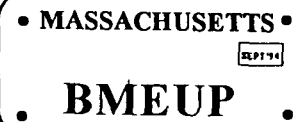
Contact: Douglas Carnahan

## Quote

"The greater part of our happiness or misery depends on our dispositions and not on our circumstances."

- Martha Washington

## License Plate



## Arlington Demographic Profile

MAPC's Data Center is about to embark on a demographic profile for the town of Arlington that will aid town officials and prospective businesses in evaluating the economic attractiveness of doing business in Arlington.

By analyzing population data such as household income, educational attainment, labor force participation, and homeownership, the study will determine what factors influence consumer buying behavior in Arlington, identify major trends in changes to the townwide population, show a comparison of town consumers to those residing in similar suburban communities, indicate population profile variances within the town, and project the population profile ten years into the future.

MAPC's findings will provide baseline information to the Arlington Business Community Study, a comprehensive effort to evaluate urban design, transportation and economic development issues along the entire Mass. Avenue Corridor in Arlington from Cambridge to Lexington.

MAPC's Data Center has information about the demographics and economics of 101 communities in the region. Existing data on vacant sites, prospects for growth, pending development proposals, major employers and characteristics of the available labor supply will allow Data Center demographers to explore the past, present and future of the Arlington consumer environment in relationship to comparable communities.

Contact: Doug Carnahan

## Environmental Reviews

MAPC has received and distributed the following environmental reviews:

- ◆ Acton/Nagog Pond Disinfection Facility
- ◆ Saugus/Figelski/License Pier, Ramp, Floats
- ◆ Framingham/Heritage & Framingham
- ◆ Marlborough/Blockbuster Video
- ◆ Lincoln/DeCordova & Dana Museum
- ◆ Milford/Field Pond Estates
- ◆ Milford/South Central Estates
- ◆ Marlborough/Route 20 Reconstruction
- ◆ Scituate/Peggetty Beach Road Improvements
- ◆ Quincy/Tri-Town/MWRA Emergency Connection
- ◆ Danvers/Rte I-95/114 Roadways & Interchange Improvements
- ◆ Southborough/Rte 30 Intersection Improvements
- ◆ Boston/Faulkner Hospital Master Plan
- ◆ Boston/Logan International Airport/1993 Annual Update
- ◆ Woburn/I-93 Woburn Interchange
- ◆ Rockport/Woodland Acres
- ◆ Everett/Wood Waste Transfer Station
- ◆ Boston/Star Market Plus
- ◆ Cohasset/Cohasset Heights Landfill
- ◆ Revere/Wonderland Marketplace
- ◆ Quincy/Retail Development

## Green Business Conference

Eco Expo, the country's largest exposition, conference and trade show devoted to marketing environmental products and services is coming to Boston September 23-25th at the World Trade Center. For more information, call (818) 906-2700 or fax (818) 906-0367.

## TIP Workshop for Local Officials

MAPC will hold a workshop for local officials sometime in September or early October to discuss the TIP process.

Contact: Christopher C. Skelly

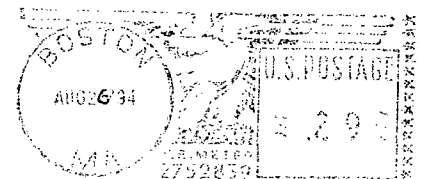
## September Calendar

5		HOLIDAY
6	9:00 a.m.	MetroPlan Committee
8	8:30 a.m. 1:00 p.m.	NSTF Subregion Clean Cities Steering Comm. @ MAPC
	7:30 p.m.	MAGIC Subregion
	7:30 p.m.	Runway 27
9	10:00 a.m.	MPO Liaison Committee
12	12:00 p.m.	Officers Meeting
13	8:30 a.m.	Subregional Chairs Meeting
	12:00 p.m.	Finance Committee
14	8:30 a.m. 10:00 a.m.	NSPC Subregion Inner Core Subregion
	12:00 p.m.	Legislative Committee
	3:30 p.m.	JRTC Meeting @ Transp. Bldg.
	7:30 p.m.	MetroWest Meeting
21	9:00 a.m.	Executive Committee
	4:00 p.m.	TRIC Subregion
22	3:00 p.m. 7:30 p.m.	SWAP Subregion South Shore
		Coalition Mtg.
28	3:30 p.m.	JRTC Steering Committee @ Transp. Bldg.
29	12:00 p.m.	Economic Development Policy Committee

Please call ahead to confirm.



**METROPOLITAN AREA  
PLANNING COUNCIL**  
60 Temple Place, 6th Floor  
Boston, Mass. 02111



CHAIRMAN, BOARD OF SELECTMEN  
TOWN OF ACTON  
TOWN HALL  
ACTON, MA 01720

AUGUST 26, 1994

File 8/20/94

TO: Board of Selectmen  
FROM: NORMAN D. LAKE, Chairman  
SUBJECT: SELECTMEN'S REPORT

#####

AGENDA

ROOM 204

AUGUST 30, 1994

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:35 PAPA GINO'S CHANGE IN MANAGER OF ALCOHOLIC BEVERAGE LICENSE - Enclosed please find a request for Change of Manager from Papa Gino's Inc. Mr. Massick, the new Manager will be present for board interview.
2. 7:45 SITE PLAN #10/28/72-26 (Amended) - Enclosed please find additional staff comments and plans for Board review.
3. 8:00 SOUTH ACTON BRIDGE DISCUSSION - Representatives from the State will be out to further update the Board on the status of the South Acton Railroad Bridge.

III. SELECTMEN'S BUSINESS

4. UNITED NATIONS ASSOCIATION OF GREATER BOSTON - Enclosed please find a request to designate October 24 as U.N. DAY in Acton as well as a Proclamation for signature and Board action.
5. SIDEWALK GIFT - Enclosed please find information regarding the Strawberry Hill and Pope Roads sidewalk for Board review.

IV. CONSENT AGENDA

6. ACCEPT MINUTES - Enclosed Please find the Minutes from July 26th for Board approval.
7. ACCEPT GIFT - Enclosed please find a request for Board acceptance of a gift of money for use by the West Acton Library for Board action.





8. ELECTION WORKERS - Enclosed please find a request from the Town Clerk for approval of the Election Workers for 1994-95 for Board action.

ACCEPT GIFT - Enclosed please find a request from Municipal Properties for Board acceptance of a gift of telephone equipment for the Memorial Library for Board action.

V. TOWN MANAGER'S REPORT

VI. EXECUTIVE SESSION

MEETINGS

ADDITIONAL INFORMATION

Enclosed please find additional correspondence which is strictly informational and requires no Board action.

FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete agenda.

Sept. 13 - ACHC

847 acs

**CONFIDENTIAL**

8/30/94 (2)

**TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATION  
TOWN MANAGER'S OFFICE**

\*\*\*\*\*

**DATE:** August 26, 1994

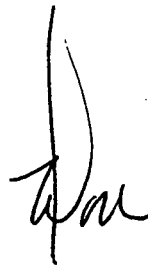
**\*\*\*\*\* CONFIDENTIAL \*\*\*\*\***

**TO:** Board of Selectmen  
**FROM:** Don P. Johnson, Town Manager  
**SUBJECT:** Shell Oil Sidewalk

Garry Rhodes has included comments in this week's packet related to the sidewalk we have been negotiating with Shell. These comments have gone to Shell and their attorney, Charley Kadison. There are some inherent problems anticipated with an on-site sidewalk so Garry is in the process of negotiating for a possible off-site alternative to mitigate the pedestrian issues that concern staff. We have not been able to come to closure in time to place any appropriate revised recommendations in your packet.

Please be aware that we hope to have a negotiated, revised recommendation for your consideration Tuesday evening. We will provide updated information in this regard in your Extra Information packet Tuesday.

cc: Garry Rhodes



**TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATION**

DATE: August 19, 1994

TO: Board of Selectmen  
FROM: Garry A. Rhodes, Building Commissioner *GAR*  
SUBJECT: Site Plan Special Permit #10/28/71-26 Amendment  
Shell Oil Corp., 341 Great Road  
Additional Comments on amended plan

I have reviewed the amended plan with Town staff and we have the following comments. The plan addresses some of our concerns but, not all of them.

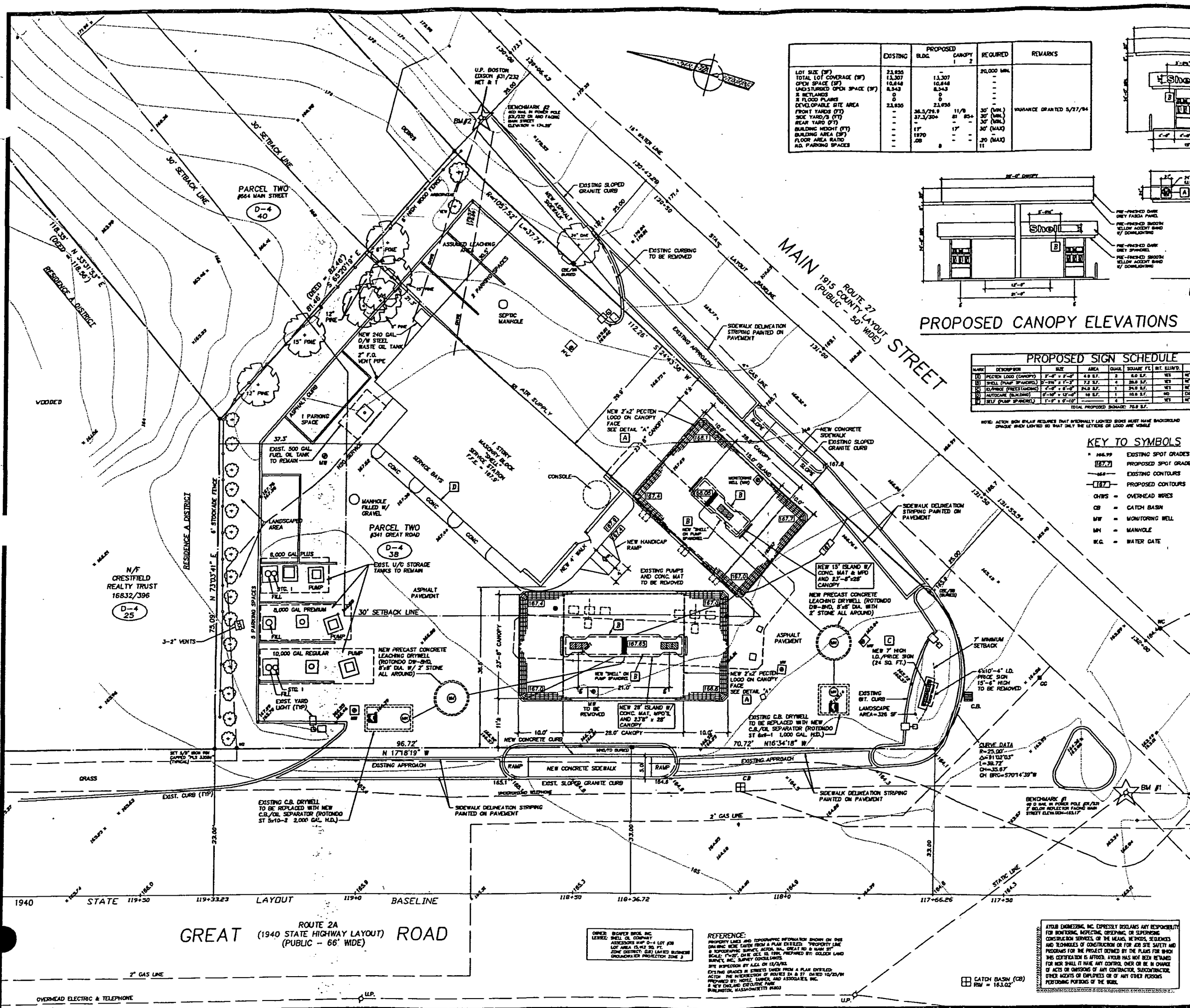
We have reviewed the proposed oil separator and find that it addresses the concern for protection of the groundwater. We agree that the testing for the design of the drywell can be done at the time of the construction, as long as the calculations and design are provided to the Town.

The disclaimer by Ayoub Engineering is still on the plan. Shell Oil agreed to prepare the final as-built therefore, this note should be removed.

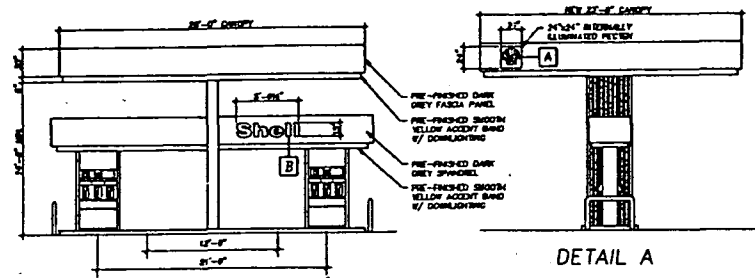
The sidewalk as shown on the revised plan does not, in staffs' opinion, comply with either the Master Plan or section 10.4.3.4 of the Zoning Bylaw. The Master Plan strives to have sidewalks along both sides of all numbered highways. Section 10.4.3.4 requires sidewalks along the entire frontage unless the Board finds that such sidewalk is not necessary for the safe movement of pedestrians and bicyclists. In the case of this revised plan, Shell Oil has not provided for a sidewalk on the Littleton end of Great Road, the rounding at the intersection of Great Road and Main Street or on Parcel two. It is staffs contention that a sidewalk should be placed along the entire frontage. A section of the sidewalk will be within the state layout of Great Road. It will be necessary for Shell Oil to prepare a plan for this state permit. The state will more than likely require a crosswalk tied to the crosswalk system currently at the intersection. In the event that the State denies this permit, it is staffs' opinion that the applicant should still mitigate the impact of the increased traffic on site and provide for the safe movement of pedestrians and bicyclists around the site. In order to provide this mitigation, the applicant should provide a contribution of \$9000.00 (\$30/foot based on 300 feet of sidewalk required on site) so that the Town can construct a sidewalk in the area to provide for the safe movement of pedestrians and bicyclists around the site.

The draft decision will address the concerns of the Fire Department.

By copy of this IDC to Shell Oil I am reinforcing the request of the Board for additional information on canopy lighting and 21E site classification.



	EXISTING	PROPOSED	REMARKS
LOT SIZE (SF)	23,835	13,307	
TOTAL LOT COVERAGE (SF)	13,307	10,848	
OPEN SPACE (SF)	10,528	2,459	
LANDSCAPED OPEN SPACE (SF)	0	0	
5 FLOOD PLAINS	0	0	
DEVELOPABLE SITE AREA	23,835	13,307	
FRONT YARD (FT)	36.5/29.8	11/9	30' (MIN)
SIDE YARD (FT)	37.3/30.4	8/8.5	30' (MIN)
REAR YARD (FT)	17'	17'	30' (MAX)
BUILDING HEIGHT (FT)	19.70	17'	30' (MAX)
FLOOR AREA (SF)	0	0	20 (MAX)
FLOOR AREA RATIO	0	0	11
NO. PARKING SPACES	0	0	



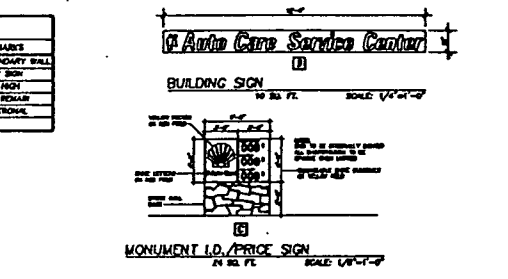
PROPOSED CANOPY ELEVATIONS

SCALE: 1/8"=1'-0"

PROPOSED SIGN SCHEDULE						
NO.	DESCRIPTION	SIZE	AREA	QUANTITY	REMARKS	REMARKS
1	PERMANENT SIGN (CANOPY)	12' x 12'	144 SF	1	NEW SECONDARY WALL	
2	PERMANENT SIGN (CANOPY)	12' x 12'	144 SF	1	NEW SECONDARY WALL	
3	PERMANENT SIGN (CANOPY)	12' x 12'	144 SF	1	NEW SECONDARY WALL	
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KEY TO SYMBOLS

- EXISTING SPOT GRADES
- PROPOSED SPOT GRADES
- EXISTING CONTOURS
- PROPOSED CONTOURS
- OVERHEAD WIRE
- CATCH BASIN
- MONITORING WELL
- MANHOLE
- WATER GATE



REV	PER	DATE	DESCRIPTION	BY	CHK
1	JMC	08/12/94	ADDED SIDEWALKS AND DRAINAGE STRUCTURES	CHS	
2	JMC	08/08/94	SIGNAGE & DIMENSION CHART ADDED	CHS	
3	JMC	08/10/94	ISLANDS & CANOPIES MOVED AWAY FROM STREET	CHS	
4	JMC	12/28/93	PROPOSED GRADES ADDED	CHS	
5	JMC	12/13/93	RELOCATED TANK LOCATION	CHS	

APPROVALS

**Shell Oil Company**

PROJECT TITLE  
**ACTON, MA.**  
341 GREAT RD./MAIN ST.  
W.I.C. # 220-0060-0100

SHEET DESCRIPTION  
**SITE PLAN**  
**MISC. ALTERATIONS**

PREPARED BY  
**AYOUB ENGINEERING, INC.**  
ENGINEERING & ARCHITECTURAL CONSULTANTS  
PAWTUCKET, RHODE ISLAND (401) 728-5533

PROJECT NO. 1694 OLD FILE NO. 1694NEW DWG. FILE NO. 1694  
DWG. BY: GWS DATE: 12/06/93  
CHKD. BY: DATE:  
SCALE: 1"=100'

**C-1**  
SHEET 1 OF 1

8/30/94 (3)  
FILE COPY

TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATION  
TOWN MANAGER'S OFFICE

\*\*\*\*\*

DATE: 8/17/94

TO: HDC, SAPC, SARC, Historical Commission, Fincom  
FROM: John Murray *John*  
SUBJECT: South Acton Bridge Reconstruction Plan Review

The Board of Selectmen, have set aside the majority of their meeting time on August 30, 1994 for review of the reconstruction plans for the South Acton Railroad Bridge. The plans for reconstruction of the bridge have languished at the State for approximately 7 years, and this is a real opportunity for the Town to solve a major transportation and safety problem in South Acton.

It is incumbent upon the Town to come to quick closure on a number of issues, in order for bridge reconstruction to begin next spring. Therefore, the Board of Selectmen would like to hear your input and input from the public at 8:00 P.M. on August 30th.

8/30/94

(3)

SELECTMEN'S NUMBERED MAIL FOR 8/30/94

PRO'S & CON'S RE OLD POST OFFICE BLDG. IN  
S. ACTON CTR. ... PROPOSED REMOVAL FOR BRIDGE  
REPLACEMENT PROJECT.

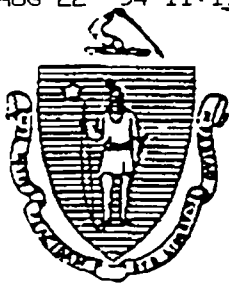
Pro's and con's related to the demolition of the house at the corner of Railroad Street and Main Street owned by Horace M. Goodrich and numbered 124 Main Street.

Pro's

1. Railroad Street would be realigned so that it would line up with School Street. This would allow for a much tighter intersection with better traffic and pedestrian movement. This will be especially evident with pedestrian's as crosswalks will be located so as to provide a much more direct route of travel.
2. Sight distances at the Railroad Street - Main Street intersection would be improved.
3. Ingress and egress to the temporary bridge will be improved.
4. Railroad Street will be moved away from the historic Jones Tavern. This will provide better sight lines and more green space for the Tavern.

Con's

1. The building is one of the older structures in the South Acton Historic District and provides a unique architectural style not present in other buildings in the district.



# The Commonwealth of Massachusetts

Executive Office of Transportation & Construction  
Office of the Secretary

## FAX COVER SHEET

Date: August 22, 1994 Time: 11:15 a.m.

To: Don Johnson Fax #: 508-264-9630

From: Chuck Kostro Fax #: (617) 973-8031

Executive Office of Transportation & Construction

10 Park Plaza, Room 3170, Boston, Massachusetts 02116

Subject: \_\_\_\_\_

Number of pages 2 including cover sheet

Priority Code: NORMAL URGENT

Comments: \_\_\_\_\_

PLEASE ADVISE ON SECRETARY'S TELEPHONE (617-973-7000) IF ALL  
PAGES, AS NOTED, ARE NOT RECEIVED!!!!

10 Park Plaza, Room 3170 • Boston, MA 02116-3969  
Telephone (617) 973-7000 • TDD (617) 973-7306 • FAX (617) 973-8031



# United Nations Association of Greater Boston

8/30/94

(4)

Curtis-Saval International Center • 22 Batterymarch Street • Boston, MA 02109 • (617) 482-4587 • fax (617) 482-0937

## Officers:

August 9, 1994

### President:

James P. Clark

### Vice Presidents:

Winston Langley

Molly M. Ettenborough

Lionel Leventhal

### Treasurer:

Jane E. O'Brien

Dear Board of Selectmen,

The year 1995 marks the 50th Anniversary of the United Nations, and this October 24th will be the kick-off event of the U.N.'s 50th Anniversary celebrations. I am happy to be serving as the Chairperson of the U.N. 50th Committee, as I believe in the importance of the United Nations and in the work of the *United Nations Association of United States of America*.

## Directors:

Daniel S. Cheever, Chair

Rev. Sheldon W. Bennett

Charles Dickinson

Joanne Dickinson

John M. Forbes

P rank

Janice Hunt

John Mattson

Robert Meagher

Daniel Partan

Michael Scharf

Todd Schuster

Donald Snyder

David Squire

Benjamin Van Vort

Bennie Walker

Mylo Housen  
Director Emeritus

Forty-nine years ago the United Nations was born when the U.N. Charter was ratified by the required number of governments.

In recognition of both the past accomplishments and the future promises of the U.N., I hope you will want to mark October 24, 1994 as U.N. Day in your community. You can celebrate U.N. Day in many ways, including:

- \*Issuing a proclamation to that effect. (A sample proclamation is enclosed.)
- \*Flying the U.N. flag.
- \*Encouraging schools to present special programs, and organizing suitable community activities.

In addition, I encourage you and members of your community to attend the official U.N. Day celebration at the State House in Boston on October 24, 1994 at 5:00pm. In our efforts to celebrate the U.N. International Year of the Family, the Boston chapter has planned the State House celebration with the theme of Family. I hope that you will join us by incorporation this theme in your city's U.N. Day celebration.

The office of the *United Nations Association of Greater Boston* will be happy to provide assistance to you or to any other interested community leaders in planning for U.N. Day in your community. Please feel free to call United Nations Association of Greater Boston office at (617) 482-4587.

Sincerely yours,

Michael Dukakis  
Massachusetts Chairman  
for UN50

## Advisory Council:

Amb. George Andrews

Daniel H. Fenn

Patrick Flynn

Amb. Edmund Gullion

Ma Geer Johnson

M Kimball



UNITED NATIONS DAY 1994

WHEREAS: the United Nations will be celebrating its 50th Anniversary on October 24, 1995, and October 24, 1994 will be the kick-off of the year-long celebrations; and

WHEREAS: the world continues to seek the road of peace and international cooperation through the United Nations; and

WHEREAS: the United Nations system has a commendable record of achievement and faces extraordinary challenges in preventing and resolving conflict, protecting the earth's environment, elevating standards of living through sustainable economic development, and promoting humane and democratic values; and

WHEREAS: the work of the United Nations has a direct impact on the people of the United States and all the world's peoples, directly affecting their security, health, economic well-being, and enjoyment of basic freedoms; and

WHEREAS: all citizens of the United States and throughout the world are encouraged to observe the 49th birthday of the United Nations on October 24th; and

WHEREAS: thousands of communities in all the states of the Union have organized festivals, ceremonies, lectures and seminars to celebrate the U.N.'s 49th birthday;

NOW, THEREFORE, I, Norman D. Lake, do hereby proclaim October 24, 1994, as

UNITED NATIONS DAY

in ACTON.

IN WITNESS WHEREOF, I hereunto set my hand and caused the seal of Acton to be affixed at the Selectmen's on this 30 day of Aug in the year of our Lord nineteen hundred and ninety four.

SEAL

SIGNATURES

TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATION  
TOWN MANAGER'S OFFICE

8/30/94

(5)

\*\*\*\*\*

DATE: August 26, 1994

TO: Roland Bartl, Town Planner

FROM: Don P. Johnson, Town Manager

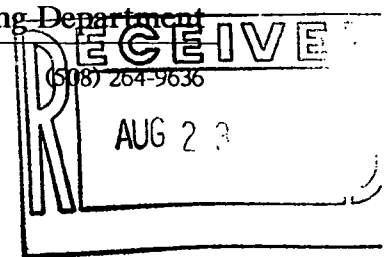
SUBJECT: Sidewalk, Strawberry Hill and Pope Roads

I have placed your recommendation for the Board of Selectmen's acceptance of a sidewalk gift on the Board's Agenda for August 30. I feel this is rushed and without sufficient backup at this time; however, the Board does not have another meeting prior to your September 12 hearing. (Incidentally, I question the applicability of the Scenic Roads Bylaw and suggest that you might consider whether you are setting any precedent.)

Please see me for additional information that I believe the Selectmen should have before discussing this matter. In particular, I am not aware of "... the ongoing debate over straight v. meandering sidewalks and the effect of sidewalks on the scenery ..." that you mention in your third paragraph. This will need more explanation for the Selectmen's consideration Tuesday evening. Additionally, I would like to have comments from David, Tom, Dean and Dick. By copy of this memo, I am asking them to provide written comments prior to Tuesday evening.

cc; Board of Selectmen





## INTERDEPARTMENTAL COMMUNICATION

TO: Don P. Johnson, Town Manager

DATE: August 23, 1994

FROM: Roland Bartl, AICP, Town Planner

R. B.

SUBJECT: Sidewalk on Strawberry Hill Road and Pope Road

As part of the Planning Board's approval of Hearthstone Farm (Jay Lane) off Strawberry Hill Road, the developer (Ron Peabody, Northwest Structures) is required to build a sidewalk along Strawberry Hill Road from the development to the Pope Road intersection. Mr. Peabody also has offered to build a sidewalk along Pope Road from Strawberry Hill Road toward Great Road for the length of frontage of the former Bowen property. I bring this to you, because portions of the sidewalk would be in the public street layout, which technically requires the Board of Selectmen's approval.

Town staff (David Abbt, Tom Tidman, Dean Charter, Richard Howe and myself) walked the area in the spring and flagged the route of the sidewalk. The route avoids as much as possible major trees and all public shade trees, minimizes wetland encroachments and is sensitive to the terrain and the scenic virtues of the roads. The attached plan sheets reflect the agreed upon route. It has been reviewed and found adequate for construction by Engineering and Municipal Properties. The Conservation Commission has recently approved the work related to wetlands issues.

Due to some cuts in the stone walls, and because of the ongoing debate over straight v. meandering sidewalks and the effect of sidewalks on the scenery, the Planning Board will hold a public hearing on September 12, 1994 under the scenic road bylaw, although I don't think such a hearing is necessarily required. No public shade trees will be removed.

Along Strawberry Hill Road, most of the sidewalk will be outside of the street behind the stonewall within a sidewalk easement that was accepted by Town Meeting this spring. Approximately 200 feet near the curve before Pope Road will be on the street side of the stonewall. In the vicinity of the old Bowen farm buildings, no sidewalk is proposed at this time due to uncooperative abutters. Strawberry Hill Road has no layout, therefore the street is defined as the area occupied by the public way. In this case the public way is from the foot of the stone wall on one side to the foot of the stone wall on the other side of the street.

Along Pope Road, most of the proposed sidewalk will be within the street layout (here a layout exists). It will follow more or less the clearings which were approved by the Town last year to allow the gas main installation.

The overall length of this sidewalk is approximately 3600 feet. Upon its completion and the completion of the sidewalk built by the Highway Department between Stoneymeade and Great Road, there will be only  $\pm 800$  feet of Pope Road

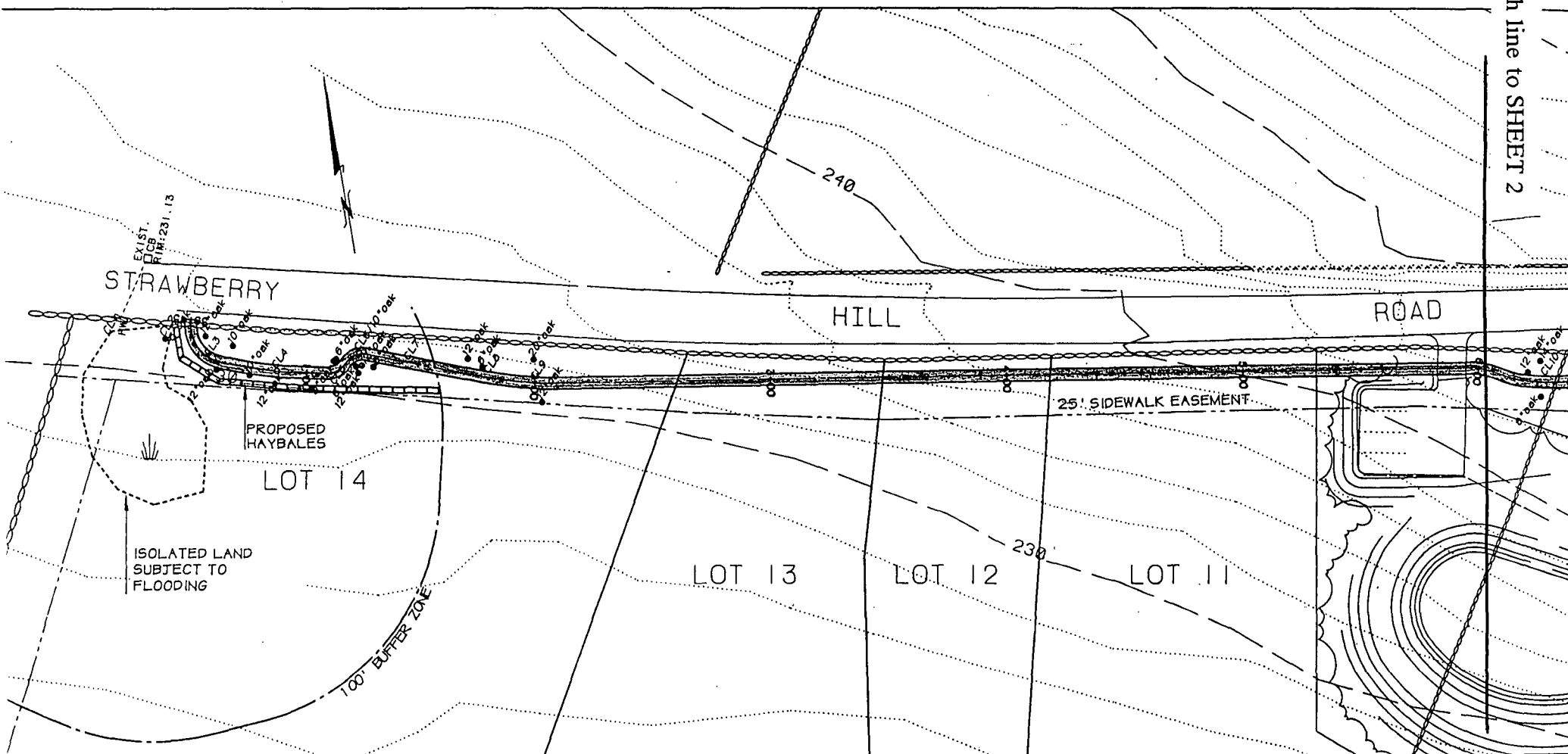
between Great and Strawberry Hill Roads remaining without a sidewalk.

I recommend the approval of the sidewalk construction as shown on the attached plans and subject to any minor modifications resulting from the Planning Board's hearing. I cannot see any major changes in the plans to occur. Please let me know of the Board of Selectmen's action as soon as possible. The developer has already begun construction along Strawberry Hill Road (on portion located on private property) and seems anxious to complete the project before the end of this year's construction season.

xc: David Abbt  
Dean Charter

ridc.94\*55

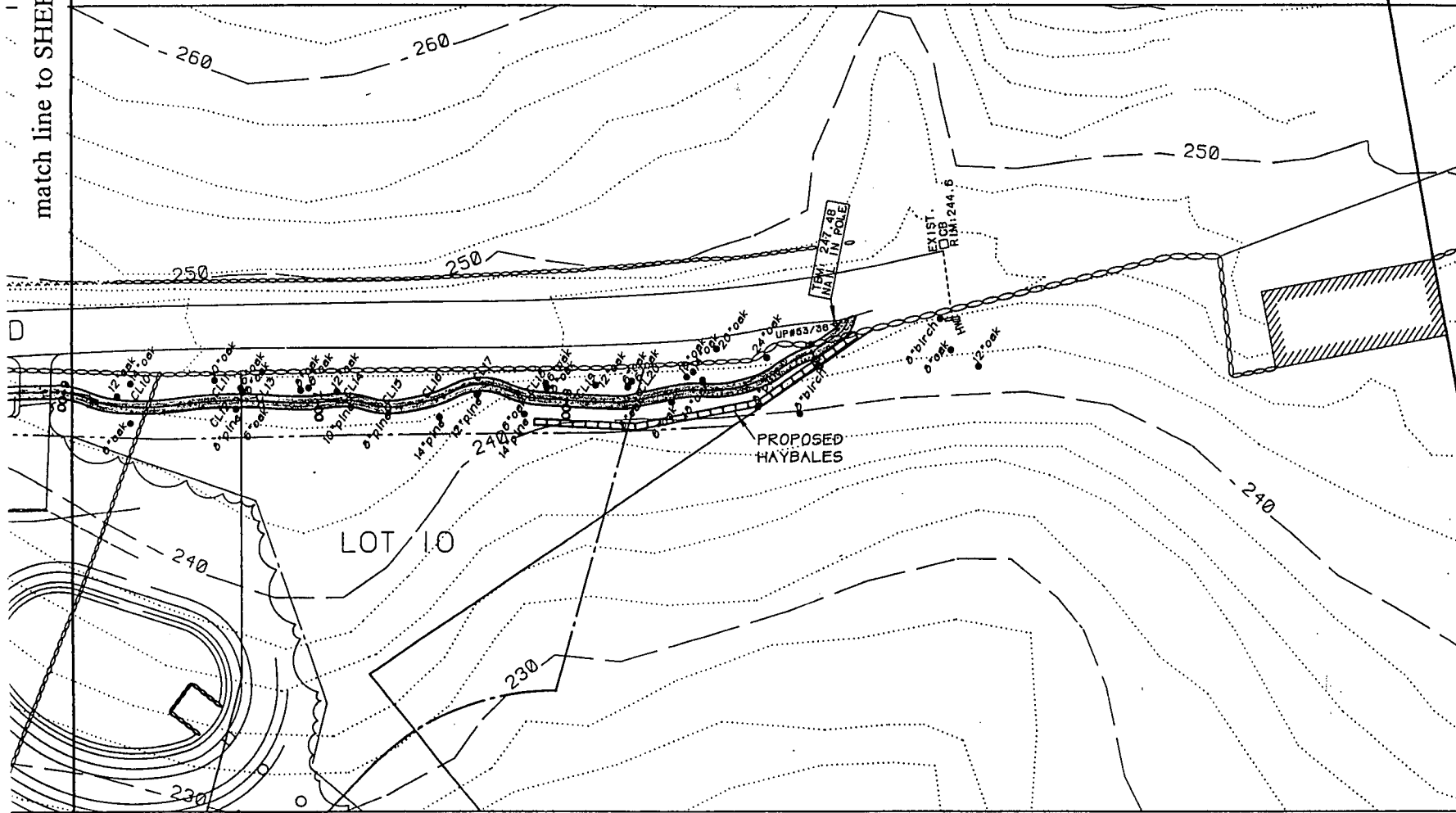
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TYPICAL DRIVEWAY CROSS-SECTION

SHEET 1


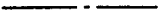



match line to SHEET 1

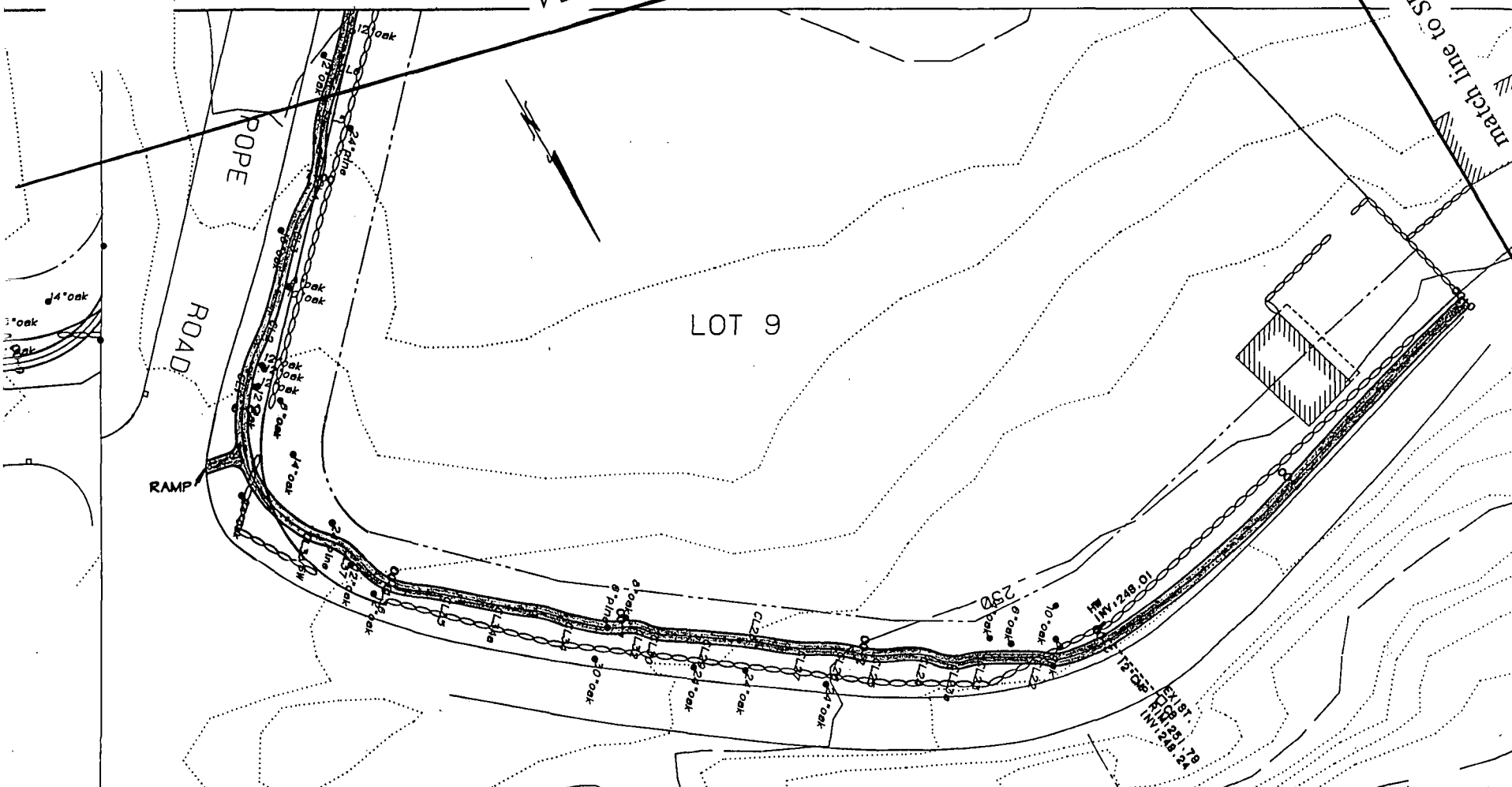


match line to SHEET 3

SHEET 2

### LEGEND

-  5' WIDE PAVED SIDEWALK (PROPOSED)
-  CENTERLINE OF SIDEWALK
-  CL# NUMBERED CENTERLINE FLAG LOCATED IN FIELD
-  EASEMENT LINE
-  PROPERTY LINE



match line to SHEET 5

match line to SHEET 3

LOT 7

LOT 8

BORDERING  
VEGETATED  
WETLANDS

100' BUFFER ZONE

SEE DETAIL

25' SIDEWALK EASEMENT

ROAD

SPOT ELEVATION  
AT EDGE OF PAVEMENT  
(TYP.)

ROPE

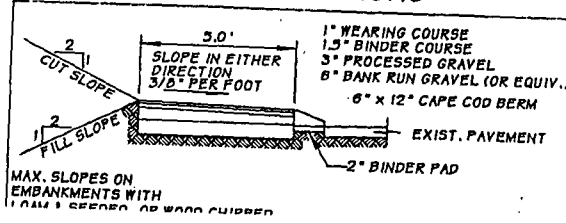
240

DETAIL

WETLAND FILL 60 SQ.FT.  
(SEE DETAIL FOR 1:1 SLOPE)

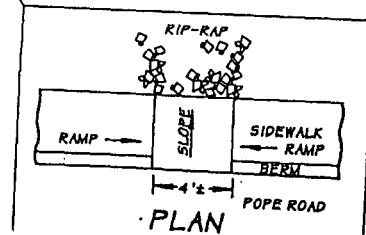
WETLAND REPLICATION 60 SQ.FT.

# SIDEWALK SECTIONS





----- LINE 10 SHEET 4



LEGEND

- 5' WIDE PAVED SIDEWALK (PROPOSED)  
CENTERLINE OF SIDEWALK  
NUMBERED CENTERLINE FLAG LOCATED IN FIELD  
EASEMENT LINE  
PROPERTY LINE  
240  
10 FOOT CONTOURS (FROM AERIAL SURVEY)  
2 FOOT CONTOURS (FROM AERIAL SURVEY)  
STONEWALL



8/30/94 ⑥

**SELECTMEN'S MEETING  
JULY 26, 1994**

The Board of Selectmen held its regular meeting on Tuesday, July 26, 1994 at 7:30 P.M. Present were Norman Lake, F. Dore' Hunter, Nancy Tavernier, Wayne Friedrichs, Town Manager Johnson, and Assistant Town Manager John Murray.  
{Representatives from cable were present}

**CITIZENS' CONCERNS**

Elisa Barry, a Stow Street resident asked the Board to consider placement of No Parking Signs on Stow Street. The commuters are parking on the street adjacent to her driveway and it makes it very dangerous to exit her drive. The Board directed the Town Manager to review this situation with the Police Chief and the Engineering Department for a satisfactory solution. The Board was troubled by commuters using side streets to avoid the meter charge at the lot. Nancy Tavernier urged Ms. Barry to leave a note to the violators advising them that "free" parking was available behind the South Acton Fire Station.

**PUBLIC HEARINGS AND APPOINTMENTS**

**ANDREW DURHAM  
CONSERVATION COMMISSION INTERVIEW**

Mr. Durham was present before the Board for the purpose of interviewing for an opening as a Full Member of the Conservation Commission. Chairman Lake thanked him for volunteering and stressed the importance of volunteers and elected officials in the operation of Town Government. Nancy asked about his field of expertise and experience with the Conservation Commission and its issues. He is an Organic Chemist and primarily works testing for heavy metals in ground water. He has been attending the Commission meetings for the last year. He was asked his opinion on mosquito spraying of conservation lands. He replied that while he had done research on this issue, and found that it is not harmful to humans, he supported the decision made by the Commission. DORE' HUNTER - Move to appoint Andrew Durham as a full member for a three year term to the Conservation Commission. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

**PAPA GINO'S  
LIQUOR VIOLATION HEARING**

Papa Gino's representatives described what happened and how they failed to require the proper identification which resulted in the violation occurring. Chairman Lake expressed the Board's displeasure in the overall lack of current information about owners of Papa Gino's with regard to our notifications of hearings prior to his appearance. The General Manager said that he would be contacting the Town Manager's Office to update the addresses. The Board asked that a written Liquor

policy be submitted to the Town for their liquor license file and warned that any other violations could result in a suspension or revocation of their license. DORE' HUNTER - Moved to direct the Town Manager to send a letter to the license holder of Papa Gino's expressing the Board's displeasure with what happened and warning that if it happened again, there would be a revocation or suspension of the license. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

A copy of a written Liquor Policy as well as the Corporation's policy on training and regulations for the Town file and the proper name and address of the Corporation and contact person was also requested.

#### CONSENT CALENDAR

F. DORE' HUNTER - Moved to accept the Consent Calendar with the addition of accepting a check in the amount of \$25.00 for the Acton Emergency Management Agency. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

#### SELECTMEN'S BUSINESS

61A CHOATE LAND - The Board discussed the proposed offer. Don outlined the issues surrounding this preliminary offer. The Board after reading staff comments and discussing the options decided that the Town would not be interested at this time at full market rate. NANCY TAVERNIER - Moved to take no action at Market Value at this time, reserving the right if the price drops substantially to again consider options. DORE' HUNTER - Second. UNANIMOUS VOTE.

KELLY'S CORNER - Nancy Tavernier and Wayne Friedrichs volunteered to participate. In the event that only one member is allowed, Nancy will serve as an alternate to Wayne.

COMMUTER LOT - Nancy updated the Board on her recent conversations with Hugh Lauer from Concord regarding the Commuter Line. She was very excited with his proposal to use already owned State land in Littleton for the parking facility and his urging to update the current tracks from Acton to Littleton instead of second tracking. Nancy asked Don to expand on the issues surrounding the S.A. Bridge. Don said that to put a grade crossing at that location would require tremendous construction and leave many homes up on cliffs in order to achieve the correct grade. In addition, approximately 22,000 vehicles cross that bridge daily and would conflict with the commuter trains.

#### TOWN MANAGER'S CONCERNS

Draft Tip - Don updated the Board on the status of the draft. We have received confirmation that the South Acton Bridge will be in the FY95 category. Wetherbee Street Bridge, signalization of High are also listed. DORE' HUNTER - Moved to support the draft. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

TAG GRANT - Don updated the Board on the recent rejection received from ACES regarding the Town's joint participation in the grant application for DEP Tag Grant Funds.

LOTTERY AID - Dore' asked for a translation of the recent document received from DOR. Don felt that they are reducing their take of the funds from the Lottery Aid, however, they will take away from other sources to balance the aid.

#### EXECUTIVE SESSION

The Board voted to go into Executive Session for the purpose of discussing possible litigation and strategy.

Roll call was taken - All AYES

The Board adjourned into Executive Session at 9:00 P.M.

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Date

\_\_\_\_\_  
Christine M. Joyce  
Recording Secty.  
cmjW11-(542)

EXECUTIVE SESSION  
JULY 26, 1994

SAWYER ISSUE - CONCORD ROAD BRIDGE REPLACEMENT

The Board discussed the Town Manager's negotiations with Mrs. Sawyer with regard to the draining of the Pond and the Bridge replacement. After discussion the Board authorized the Town Manager to proceed with the project as planned using the "Coffer Dams" if a satisfactory agreement can not be reached.

HOSMER STREET PROPERTY

Don asked for Board direction with regard to the options being presented. Dore' felt retail use would be acceptable if a solution to the Route 2 access could be found. Dore' would support but did not see how it could be sequenced. Garry Rhodes has been in contact with the owners. The Board thought that we had to have a process ready in place to change the zoning. Route 2 is a problem, can they present a solution, if so we would be willing to work with them. The Board said they are interested, show them more. Nancy felt that the Town's people would be interested in this option in lieu of any residential options at that location for tax purposes.

The Board adjourned at 9:10 P.M.

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Date

\_\_\_\_\_  
Christine M. Joyce  
Recording Secty.  
cmjW11-(542)

JULY 22, 1994

TO: Board of Selectmen  
FROM: NORMAN D. LAKE, Chairman  
SUBJECT: SELECTMEN'S REPORT

#####

AGENDA

ROOM 204

JULY 26, 1994

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:35 CONSERVATION COMMISSION INTERVIEW - ANDREW DURHAM - Enclosed please find Mr. Durham's Citizen Resource Sheet and Information forwarded from VCC for Board review.
2. 8:45 PAPA GINO'S - Liquor license violation review.

III. SELECTMEN'S BUSINESS

3. 61A Choate Offer - Enclosed please find staff comment regarding Ms. Choate's preliminary notification of her intent to remove land held by her from 61A status for Board discussion.
4. Kelley's Corner - The Planning Board seeks to have the Board of Selectmen represented on this Planning Committee

IV. CONSENT AGENDA

5. ACCEPT MINUTES - Enclosed Please find the Minutes from June 21st for Board approval.
6. ANTIQUE SHOW - Enclosed please find a request from the Acton from the Service League of the Acton Congregational Church for their Annual Antique Show to be held on October 14 and 15 for Board action.
7. ACCEPT GIFT - Enclosed please find a request from the Friends of the Acton Arboretum to accept a one hundred foot section of boardwalk at the Arboretum for Board action.
8. FEE WAIVER - Enclosed please find a request for Fee Waiver from the School Street Sidewalk Committee for Board action.

9. TAG GRANT APPLICATION - Please see enclosed correspondence from Anderson & Kreiger regarding ACE'S Tag Grant Application.
10. ACTON HOUSING AUTHORITY - Enclosed please find copies of the Housing Authority's renewal and cost amendment for Board review. Originals will be available Tuesday night for signature.

V. TOWN MANAGER'S REPORT

11. DRAFT TIP - The Town Manager will discuss the enclosed information with the Board and seek direction.

VI. EXECUTIVE SESSION

12. There will be a need for an Executive Session. Please see enclosed materials.

MEETINGS

ADDITIONAL INFORMATION

Enclosed please find additional correspondence which is strictly informational and requires no Board action.

FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete agenda.

August 16 - Shell Oil Site Plan  
August 30

844 acs



Chas. Next Meeting

TOWN OF ACTON

Inter-Departmental Communication

8/30/94

7

DATE: August 4, 1994

TO: Selectmen/Trustees  
FROM: West Acton Citizens Library  
SUBJECT: Gift

A donation of \$ 50.<sup>00</sup> has been made to the  
West Acton Citizens Library. This money will be  
used to purchase *books*  
as requested by the donor.

*Faithless W. Mason*  
Donor

Suzi Pomeroy  
Librarian

## TOWN OF ACTON

## SCHEDULE OF DEPARTMENTAL PAYMENTS TO TREASURER

DEPT. CITIZENS LIBRARY

DATE

8/19/94

FROM	SOURCE	AMOUNT	TOTAL
FINES	137	4122	
GIFTS	751	4119	50. <sup>00</sup>

NO. \_\_\_\_\_  
TO THE DEPARTMENTAL OFFICER MAKING THE PAYMENT

DATE

8/19/94

RECEIVED OF CITIZENS LIBRARY THE SUM OF

Fifty and 00/100

DOLLARS

FOR THE PERIOD ENDING \_\_\_\_\_ FOR COLLECTIONS AS

PER SCHEDULE OF THIS DATE, FILED IN MY OFFICE.

John Murray III

TREASURER

8/30/94 (8)

TOWN OF ACTON  
INTER-DEPARTMENTAL COMMUNICATION

August 22, 1994

TO: Board of Selectmen

FROM: Catherine Belbin, Town Clerk *Cathy Belbin*

SUBJECT: Election Workers

Please approve the following individuals as election workers for fiscal year 1994-1995.

PRECINCT ONE

REGINA POPPERT - WARDEN

JOAN MORRIELLO - CLERK

MARIANNE VARNOW - DEP. WARDEN

KAY REICH - DEP. CLERK

SUZI POMEROY

FAITH PRIEST

BEVERLY FABER

ELIZABETH BORTZ

FREDA ADAMS

JOAN APPLETON

CAROLYN COCHRANE

MABEL GREKULA

PATRICIA POLSONETTI

PRECINCT TWO

MARJORIE BROWN - WARDEN

MAUREEN MCLAUGHLIN - CLERK

EDWIN MILLER - DEP. WARDEN

RUTH BAILEY

ISABELLE CHOATE

CONSTANCE KREA

BARBARA NYLANDER

CHARLENE SOTOLONGO

PRECINCT THREE

DORIS PIZZANO - WARDEN

DOLLY NOWOKUNSKI - DEP. WARDEN

EDNA MALLARD - CLERK

MARGARET PITTORINO - DEP. CLERK

JANET BUBIER

JOAN HOOPES

BETTY CHARTER

IRENE MUSICK

CONNIE BASKIN

PRECINCT FIVE

KATHERINE ARNOLD - WARDEN

PETER ROBINSON - CLERK

BARBARA NEAGLE - DEP. WARDEN

CYNTHIA TORKELSON - DEP CLERK

RUTH LUCHFORD

ELMORE PILLSBURY

MARGARET BINTLIFF

GEORGE NEAGLE

IRENE YOUNG

PATRICIA ROBINSON

NATASHA MACGREGOR

PRECINCT FOUR

ANN SIMEONE - WARDEN

MAUREEN STEINMANN - DEP. WARDEN

NATHALIE DAUPHINE - CLERK

BARBARA MC BRIDE - DEP. CLERK

CAROL FLAGG

PRISCILLA FELT

LUCILLE KRESS

DOROTHY WILLIAMS

**NOTE:** Except where indicated the individuals on this list may work at different precincts at different rates according to the needs on election days. Pay rates range from \$5.04 to \$5.55 per hour.

8/30/94 (9)

TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATION

August 24, 1994

TO: Don P. Johnson, Town Manager  
FROM: Dean A. Charter, Municipal Properties Director *DAC*  
SUBJECT: Memorial Library telephone system donation

For the last few years we have been plagued with problems with the Memorial Library telephone system. The basic problems that we have been dealing with are that the existing phones are outdated, mechanical sets, for which repair parts are unavailable, and the system has been expanded beyond it's designed capacity by the needs of a modern library operation. The proposed Capital Plan for fiscal 1995 included \$10,000 for a new system, but fiscal constraints caused this item to be dropped.

Over the last few weeks we have tried to add capacity to the existing system, and have continued to have problems. Mr. Robert Kaufman, of National Telecom Systems, Inc., our vendor for telephone equipment, approached me today with a very interesting proposal.

Lee Jay Bed and Bath Stores recently upgraded their telephone system, and they are willing to donate their old "KSU" telephone controller, which is worth in excess of \$1200. National Telecom will give us a wiring credit of \$1100 by reusing the old 25 pair trunk line already installed in the building. We will have to pay for new telephones and related supplies and installation, and will get a functioning system with eleven phones and six incoming lines, with a 24 month warranty, for the total "out of pocket" price of \$2800.00. Obviously, this is an good deal, and I very strongly urge you to accept it (we have in the past spent in excess of \$500 per year to keep the existing unit working).

At this point I need to get the donation accepted by the Board of Selectmen, and need to know if you will support the expenditure of \$2800 from the telephone account. If possible, I would like to move on this improvement to service immediately.

DAC/442

BOS - CONSENT FOR 8/30/94.

8/26  
CC: DAC - WILL SEEK BOS' ACCEPTANCE  
OF GIFT AND, YES, I WILL SUPPORT  
THE \$2800.00. THIS LOOKS LIKE  
A GOOD SOLUTION. NICE JOB.

*Don*

JOB CONTROL NO. \_\_\_\_\_

# National Telecom Systems, Inc.

## SALES AGREEMENT

NATIONAL TELECOM SYSTEMS, INC. (herein called NTSI) agrees to sell and the customer named below (herein called Customer) agrees to purchase the equipment described below (called Equipment) subject to the terms and conditions set forth herein.

QUANTITY	MODEL	DESCRIPTION
NATIONAL TELECOM SYSTEMS, INC.		
SCHEDULE A		
FOR: ACTON LIBRARY		
WIN MARATHON TELEPHONE SYSTEM. ULTIMATE CAPACITY OF SYSTEM IS 30 OUTSIDE LINES AND 60 PHONES WITH ADDED CABINETS/BOARDS		
1 KSU612X	MARATHON TELEPHONE SYSTEM WITH 6/12 KSU	1800
11 6LX	SIX LINE MARATHON PHONES WITH INTERCOM	3300
	ABOVE SYSTEM WITH 24 MONTH WARRANTY	
	LESS DONATION OF BED AND BATH 6/12 KSU	-1200
	LESS WIRING CREDIT OF \$1100	-1100
	LEASE FOR 60 MOS. AT 79.80, OR 93.52 FOR 48 MOS.	
THE 6/12 KSU IS BEING DONATED BY LEE JAY BED AND BATH STORES APPROVED BY KEN ROGERS, TREASURER. THEY WOULD LIKE A LETTER AND SOME PR IN THE NEWSPAPER. WE WILL HOOKUP THE MODEM LINES AND TDD ETC. BROCHURES ATTACHED.		

**ACTUALLY** The Purchase Price of the Equipment shall be subject to adjustment in the event of any mutually agreed changes made to the above list, including the addition or deletion of items of Equipment and any specifications, attachments or features.

**PURCHASE PRICE.** The purchase price for the equipment **EXCLUDING** sales tax is \$ 2800

☐ **CASH PURCHASE TERMS.** The purchase price is payable OR LEASE

\$\_\_\_\_\_ upon execution of this agreement;

\$\_\_\_\_\_ upon delivery of cabling and equipment;

\$\_\_\_\_\_ upon acceptance/cutover

**ADDITIONAL TERMS AND CONDITIONS INCLUDED ON REVERSE SIDE  
ARE AN INTEGRAL PART OF THIS AGREEMENT.**

TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATION  
TOWN MANAGER'S OFFICE

\*\*\*\*\*

DATE: August 26, 1994

TO: Planning Board

FROM: Don P. Johnson, Town Manager

SUBJECT: MAPC Representation

The Board of Selectmen has recently reviewed the minutes of a number of MAPC quarterly meetings. Based on this review, the Selectmen have concluded that the official MAPC Representative for the town should have a Planning background and must be cognizant of existing and proposed land use restrictions in town, along with development that is "in the pipeline". With this in mind, the Selectmen have asked that the Planning Board nominate one of its current (or recent) members for appointment by the Board of Selectmen as Acton's MAPC Representative.

The Board would appreciate your earliest possible response in order that this appointment might be completed quickly.



cc: Board of Selectmen

TOWN OF ACTON  
472 Main Street  
Acton, Massachusetts 01720  
Telephone (508) 264-9612  
Fax (508) 264-9630

Norman D. Lake  
Chairman, Board of Selectmen

---

August 25, 1994

Mr. Duncan Wood, Chairman  
Board of Appeals  
472 Main Street  
Acton, MA 01720

Dear Mr. Wood:

On Tuesday, August 16, 1994, the Board of Selectmen reviewed the file concerning Mr. Fenton's request that a Constructive Approval be granted for his Earth Removal Permit Application for Lawsbrook Village (formerly the Foster Masonry site). While the Board understands that Town Counsel has made a strong case in support of the timeliness of the decision that was finally issued by the Board of Appeals, the Selectmen were quite dismayed and disturbed that we should ever have gotten to the point that timeliness became a question.

The Selectmen understand that the Board of Appeals member assigned to write this decision was Mr. Crockett and that Mr. Crockett was advised on more than one occasion of the urgency of filing the decision in a timely manner. Even with this advice and the understanding that a Constructive Approval might result from his failure, the Selectmen understand that Mr. Crockett refused to file a written decision.

The Board of Selectmen is most disturbed that a member of the Board of Appeals should take his official responsibilities so lightly and, in the process, expose the Town to significant legal and financial liabilities. The Selectmen are greatly concerned that behavior of this nature suggests a blatant disregard for the interests of the Town and its citizens. Accordingly, the Board of Selectmen will consider any repetition of this type of conduct by a Board of Appeals member to be sufficient reason to warrant a hearing for the removal of that member from the Board.

Town staff is always available to assist Board members in the preparation of decisions or to answer questions or concerns regarding the timeliness or content of a decision. As Chairman of the Board of Appeals, the Selectmen turn to you to insure that members of your Board properly utilize staff and that no further incidents such as this occur. Behavior that reflects negatively on the integrity of the Town and those who serve it will not be tolerated by the Board of Selectmen.

Very truly yours,



Norman D. Lake, Chairman  
Board of Selectmen

cc: Board of Appeals Members  
Board of Selectmen





# Moody's Investors Service Public Finance

## Telecopy Transmittal

**Please deliver this material as soon as possible.**

**To:** Don Johnson, Town Manager

**Telephone:** (508) 264-9617

**FAX:** (508) 264-9630

**From:** Moody's Public Finance Rating Desk

**Date Sent:** 08/24/94

### A RATING WAS ASSIGNED TO YOUR DEBT ISSUE(S) TODAY

Moody's has already undertaken these *two immediate actions* to disseminate your rating throughout the investment and municipal communities:

**Rating Recap**—The second page of this fax is an excerpt of Moody's *Municipal Daily Rating Recap* for your issue. Immediately after you were notified of the rating, Moody's made your Recap available electronically to every major participant in the municipal investment community. Your rating will also appear in the printed copy of today's *Rating Recap*, a daily summary of Moody's rating activity, which is delivered to all our Public Finance subscribers.

**Rating Desk**—Immediately after you were notified, information about your issue's rating was made available to the public via Moody's Rating Desk. Our Rating Desk received more than 90,000 rating inquiries last year from fund managers, bankers, financial advisors and issuers. Up-to-date information about your issue is provided to them throughout the year.

This *immediate dissemination* of your rating provides the broadest possible awareness of your issue, which enhances its marketability.

If you have any questions about the attached Recap or how Moody's distributes rating information, please don't hesitate to call the analyst whose name and telephone number appear at the bottom of the Recap.

If the transmission is interrupted or if it is of poor quality, please notify us immediately by calling (212) 553-1352 and asking for Marie Joseph.

# Moody's Municipal

## Daily Rating Recap

Acton, Massachusetts

Rating date: August 23, 1994

**Moody's rating: Aa**  
General Obligation bonds

**Sale:** \$880,000

**Date of Sale:** August 25

**Type:** Competitive

**Security:** General obligation, unlimited tax.

**Use of Proceeds:** Along with available funds, fund outstanding BANs issued for school and sewer projects, and provide financing for road and municipal projects.

**Last Rating change:** No change.

**Credit Comment:** Moody's confirmation of Acton's high quality **Aa** rating is provided by the following:

### Affluent Residential Growth Endures Despite Stagnant Commercial/Industrial Activity

Despite stagnant commercial/industrial activity, evident in recent tax base declines, residential growth has endured, particularly in the higher housing value category. Substantial retrenchment by the largest employer, Digital Equipment Corp., coupled with downsizing among some other local employers, has contributed to the recent downward shift in assessed valuation, but has had little impact on unemployment rates, which remain below average. Measures of wealth, such as median family income, per capita income, and poverty measures, surpass national and Commonwealth standards, and continue to be a key credit strength.

### Well-Run Financial Operations

The town's conservative budgeting practices have contributed a sound level of financial reserves (General and Stabilization Funds) despite recessionary effects on local revenues, and Proposition 2½ limitations. Positively noted is a trend of successful operating and debt overrides in recent years, which illustrates strong voter support, and provides added revenue raising flexibility in light of Proposition 2½ limitations. While the 1993 audited undesignated fund balance represented a nominal level of reserves, officials anticipate a satisfactory undesignated equity position for fiscal 1994 based upon favorable operating performance relative to a conservative budget.

### Strong Debt Position

The town's debt position is strong with all debt, the majority of which has been voted exempt from Proposition 2½ limitations, retired within eleven years. Debt burden and debt per capita ratios are very modest, and additional capital borrowing plans are manageable.

**analyst: Maryellen Reynolds**  
**(212) 553-4415**

The information herein has been obtained from sources believed to be accurate and reliable, but because of the possibility of human and mechanical error, its accuracy or completeness is not guaranteed. Moody's ratings are opinions, not recommendations to buy or sell, and their accuracy is not guaranteed. A rating should be weighed solely as one factor in an investment decision, and you should make your own study and evaluation of any issuer whose securities or debt obligations you consider buying or selling. Most issuers of corporate bonds, municipal bonds and notes, preferred stock, and commercial paper which are rated by Moody's Investors Service, Inc. have, prior to receiving the rating, agreed to pay a fee to Moody's for the appraisal and rating services. The fee ranges from \$1,000 to \$125,000.

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**TOWN OF ACTON**  
**INTERDEPARTMENTAL COMMUNICATION**  
**TOWN MANAGER'S OFFICE**

\*\*\*\*\*

**DATE:** August 26, 1994

**TO:** Bill Mullin

**FROM:** Don P. Johnson, Town Manager

**SUBJECT:** Road Construction/Maintenance Monies

I spoke with Donna regarding the information you received in the MAGIC meeting. By way of follow-up, we have obtained the forms necessary to make application and staff is in the process of following through on this matter. I will let you know how we fare.

A handwritten signature in black ink, appearing to read "Don", is positioned to the right of the main text block.

**cc:** Board of Selectmen

**TOWN OF ACTON**  
**INTERDEPARTMENTAL COMMUNICATION**  
**TOWN MANAGER'S OFFICE**

\*\*\*\*\*

**DATE:** August 26, 1994

**TO:** Board of Selectmen  
**FROM:** Don P. Johnson, Town Manager  
**SUBJECT:** Train Whistles

Pam Resor called this morning to advise us that the House has engrossed our Train Whistle legislation. This bill, H.4278, now goes to the Senate. I have contacted Bob Durand's office for support and shepherding of the bill in the Senate and Pam is doing the same.

Congratulations to Nancy Tavernier and Garry Rhodes for the efforts they have expended on this issue.

A handwritten signature in black ink, appearing to read "Don", is positioned to the right of the main text block.

cc: Garry Rhodes



# Metropolitan Area Planning Council

60 Temple Place, Boston, Massachusetts 02111 617/451-2770 Fax 617/482-7185

*Serving 101 cities and towns in metropolitan Boston*

August 18, 1994

Dear Chief Elected Official:

**MAPC votes to approve TIP  
based on an agreement to include an additional \$295 million  
in local transportation projects**

The Metropolitan Area Planning Council (MAPC) and the Executive Office of Transportation and Construction (EOTC) recently reached an agreement to place an additional \$295 million of local transportation projects into the Transportation Improvement Program for FY 95-97. The Draft TIP distributed to communities on July 12, 1994 included \$548 million in non-Central Artery/Tunnel projects. The agreement reached between MAPC and EOTC will raise the non-Central Artery/Tunnel projects in the TIP to \$843 million. This was a major breakthrough and the MAPC communities will be the beneficiaries. As a result, the MAPC Executive Committee voted to approve the TIP on August 18, 1994. The TIP will now go to the Environmental Protection Agency for an air quality review and a final TIP is expected by the beginning of the Federal Fiscal Year on October 1, 1994.

If your community submitted projects for the TIP, MAPC made every effort to include them. The agreement reached between MAPC and EOTC demonstrates the commitment of MAPC and EOTC to fund local projects. If you would like to know if your project is included in the revised TIP, please contact MAPC.

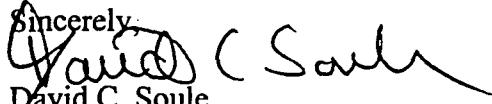
It is now up to MAPC and the communities to make sure that local projects on the TIP move forward through engineering and the approval process to implementation. Unless the MHD has agreed to design your TIP project, it is up to your community to provide the design.

Earlier this month, the Capital Outlay Bill was signed into law which contains \$300,000,000 in Chapter 90 allocations and is an increase of 70% over the 1991 bond. Funding is available immediately for local road and highway improvements but funds can also be used to hire a design consultant for your TIP projects.

MAPC staff will be available to assist local officials wherever possible but projects not "ready to go" within their programmed fiscal year may be delayed or removed from the TIP.

Please contact Christopher C. Skelly at the MAPC with updates on the status of your projects or any questions you may have.

Sincerely,

  
David C. Soule  
Executive Director

cc: Community TIP Contact  
Community MAPC Representative  
State Legislators  
MAPC Executive Committee  
MAPC Subregions

**Transportation Improvement Program Workshop for Local Officials**

MAPC is expecting to hold a workshop for local officials sometime in September or early October to discuss the TIP process. We are looking for your input on what topics you would like to have discussed, what speakers you would like to hear and what format would be best for you. Please contact Christopher C. Skelly at MAPC with your ideas.



cc: BOS

**PLANNING BOARD • Town of Acton**

472 MAIN STREET ACTON, MASSACHUSETTS 01720 TELEPHONE (508) 264-9636

**RECEIVED & FILED**

DATE August 23, 1994 11:20 AM

David Powell  
for TOWN CLERK, ACTON

**AMENDMENT OF DECISION**

**GREGORY LANE**

**Open Space Development and Common Drive Special Permit**

**New View Development Corporation**

**August 22, 1994**

This is an amendment by the Planning Board (hereinafter the Board) of its Decision issued to Scott Green for Gregory Lane, filed with the Town Clerk on April 9, 1991, amended by the Board April 22, 1991 (hereinafter the Original Decision).

This amendment is in response to the request of New View Development Corporation (hereinafter the Applicant) for an amendment of the Original Decision to:

- a) Approve the division of lot 3, Gregory Lane into lots 3A and 3B;
- b) Remove lot 3B from the Gregory Lane Open Space Development Special Permit;
- c) Release lot 3B from all conditions and requirements associated with the Board's Original Decision on Gregory Lane.

The proposed division is shown on a proposed Approval Not Required plan, entitled "Subdivision Plan of Land in Acton, MA", prepared for New View Development Corporation by Due North Land Surveying Services, dated June 16, 1994, revised June 27, 1994.

New View Development Corporation is the owner of lot 3 and has filed this amendment request in conjunction with its proposed Planned Conservation Residential Community (PCRC) development on adjacent land, shown on the Acton 1994 Town Atlas as parcel E-2/239. Lot 3B is proposed to be combined with said adjacent parcel of land.

The Applicant presented the Plan to the Board at a duly advertised public hearing on August 1, 1994 at the Acton Town Hall, which was held simultaneously with the hearing on the Applicants PCRC development proposal on the adjacent land. Board members Joshua Chernin, Richard Crosswell, David Hill, James Lee, Greg Niemyski, John Pavan and William Shupert were present throughout the proceedings. The Applicant was assisted in the presentation by members of the consultant team shown in the application documents. The record of the proceedings and documents upon which this decision is based may be referred to in the Office of the Town Clerk or in the Planning Department.

The removal of lot 3B will leave the Gregory Lane Open Space Development with 8 acres overall, which is the minimum tract of land requirement for Open Space

Developments under the Acton Zoning Bylaw. Therefore the Board votes to APPROVE the amendment to its Original Decision as requested subject to following conditions:

1. Lot 3B in and by itself is not be a buildable lot. The Approval Not Required Plan shall be revised to make note of this fact.
2. The Approval Not Required Plan submitted for signature shall be accompanied by locus plans drawn at a scale of 1"=100' and 1"=200'.
3. Lot 3B shall be used only as common land in the New View PCRC development in a way that is consistent with the PCRC special permit (Decision 94-10), and the plans approved thereunder, issued to New View Development Corporation in a separate document issued concurrently with this decision.
4. Lot 3B may be removed from the governance of any and all bylaws and covenants enforced by the Gregory Lane Homeowners Association.
5. The land remaining in the Gregory Lane Open Space Development after removal of lot 3B shall be subject to the terms and conditions of the Original Decision of the Board.

Appeals, if any, shall be made pursuant to Section 17 of the Massachusetts General Laws, Chapter 40A, and shall be filed within 20 days after the date of filing this Decision with the Town Clerk.

Witness our hands this August 22, 1994:

  
Roland Bartl, AICP, Town Planner

This is to certify that the 20-day appeal period on this decision has passed and there have been no appeals made to this office.

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Date

Copies sent to:

Applicant - Certified Mail#  
Health Director  
Municipal Properties  
Conservation Administrator  
Fire Chief  
Acton Water District

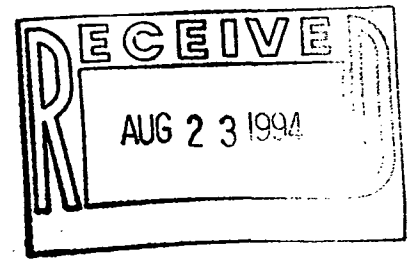
Building Commissioner  
Engineering Administrator  
Town Clerk  
Town Manager  
Historical Commission

rspp94\*16



BOS  
FYI  
D. Haskins

cc: BOS



LOWELL REGIONAL TRANSIT AUTHORITY

MINUTES OF SPECIAL MEETING

August 10, 1994

Chairman Stevens introduced and welcomed Mr. James Good, the new LRTA Advisory Board Member from Chelmsford.

The meeting was called to order by Chairman Kenneth Stevens at 5:00 p.m. at the Lowell Regional Transit Authority Offices, 145 Thorndike Street, Lowell, MA. Mr. Joseph Czarnionka of Pepperell, Mr. Arthur Doyle of Billerica, Mr. James Good of Chelmsford and Mr. William Kavanagh of Westford were present. (Weighted vote present = 19.54 constituting a quorum.)

After a brief discussion regarding the Transportation Improvement Program,

MR. DOYLE MOTIONED TO ENDORSE THE TRANSPORTATION IMPROVEMENT PROGRAM (TIP), SECONDED BY MR. GOOD, VOTED UNANIMOUSLY.

ON A MOTION MADE BY MR. GOOD, SECONDED BY MR. DOYLE, THE MEETING ADJOURNED AT 5:10 P.M.

I, William Kavanagh, duly elected and acting as Clerk of the Lowell Regional Transit Authority, do hereby certify that the foregoing minutes are a true and accurate record of the meeting of the Lowell Regional Transit Authority Advisory Board held on June 16, 1994.

\_\_\_\_\_  
Date

\_\_\_\_\_  
William Kavanagh

LOWELL REGIONAL TRANSIT AUTHORITY  
MINUTES OF MEETING  
EXECUTIVE SESSION

June 16, 1994

Mr. Coppola read a Report on Recommendation to Extend the Administrator's Contract to June 30, 1998.

Mr. Stevens commented that he feels that Administrator Kennedy has done an excellent job and he has involved the Board in Authority matters.

Mr. Kavanagh commented that the Administrator has done an excellent job, not only with the personnel and the Advisory Board, but with the Legislative authorities as well.

MR. KAVANAGH MOTIONED THAT THE ADVISORY BOARD EXTEND THE ADMINISTRATOR'S CONTRACT EIGHTEEN MONTHS (18) AND INSTRUCT THE CHAIRMAN AND LEGAL COUNSEL TO SEE IF THEY CAN SECURE AN EXTENSION AS DESCRIBED IF MR. KENNEDY CONSENTS TO EXECUTE THE CONTRACT, SECONDED BY MR. CZARNIONKA, VOTED UNANIMOUSLY.

Mr. Hartnett expressed his appreciation on the excellent job Mr. Kennedy has done in his first year, stating that anytime he had requested anything for the Town of Groton, he received excellent response from the Administrator.

Mr. Herskovitz remarked that Administrator Kennedy has done a spectacular job and he is very pleased with his performance.

Mr. Czarnionka remarked that Administrator Kennedy not only has done an excellent job, but has worked remarkably well with the staff.

Mr. Doyle expressed his appreciation with the great job that Mr. Kennedy has done.

Mr. Coppola remarked on the terrific job Mr. Kennedy has done in his first year as Administrator.

Mr. Lorden complimented the Administrator on an excellent job.

Ms. Kalhauser also expressed her feelings on a great job done by the Administrator.

MR. STEVENS MOTIONED TO COME OUT OF EXECUTIVE SESSION, SECONDED BY MR. LORDEN, VOTED UNANIMOUSLY.

cc: BOS



Commissioner  
Mitchell Adams  
Deputy Commissioner  
Leslie A. Kirwan

Massachusetts Department of Revenue  
Division of Local Services

# BULLETIN

August 1994

TO: Selectmen/Mayors; Town Counsels/City Solicitors;  
Accountants/Auditors; Assessors; City/Town Clerks;  
Collectors/Treasurers; District Treasurers;  
Finance Committees; School Superintendents

FROM: *Leslie A. Kirwan*  
Leslie A. Kirwan, Deputy Commissioner  
Division of Local Services

Once again, the legal staff of the Division of Local Services will offer our seminar "What's New in Municipal Law," to present new laws and recent court decisions pertaining to local government. These seminars will be held on Friday, September 30, at the Ramada Hotel in West Springfield and Friday, October 7 at the Sheraton Tara in Framingham. The program and a registration form are attached.

The presenters are specialists in municipal law, particularly in property taxation and finance. In their daily work they interpret new laws and respond to the legal concerns of local officials.

Presenting new laws and court decisions of importance to local officials in the morning session will be Harry Grossman, Esq., Chief of the Property Tax Bureau; Gary Blau, Esq.; Kathleen Colleary, Esq.; James Crowley, Esq.; Christopher Hinchey, Esq.; Daniel Murphy, Esq.; and Bruce Stanford, Esq. Robert Addelson, Chief of the Municipal Data Bank and Technical Assistance Bureau will participate in two of the afternoon presentations. The afternoon format is as follows: Three workshops will be presented from 1:45 to 2:45 and three separate topics will be discussed from 3:00 to 4:00. Each person who attends may choose to participate in one workshop from each set. These workshops will be small group sessions with an attorney from the Division of Local Services to lead the discussion.

A registration fee of \$7.00 per person will be charged to cover the cost of the meeting rooms and coffee and muffins. An optional luncheon will be available for an additional charge of \$18.00 per person.

I look forward to seeing you at this timely and informative seminar.

*The Division of Local Services is responsible for oversight of and assistance to cities and towns in achieving equitable property taxation and efficient fiscal management.*

*The Division regularly publishes IGRs (Informational Guideline Releases detailing legal and administrative procedures) and the Bulletin (announcements and useful information) for local officials and others interested in municipal finance.*

Division of Local Services, PO Box 9655, Boston, MA 02114 - 9655 (617) 727-2300

# WANT TO KNOW THE LATEST?

- On Education Reform Issues?
- On Avoiding Deficits?
- On Funding Special Programs?
- On Motor Vehicle Excise Issues?
- On Assessing and Collecting Issues?
- In Municipal Law?

Friday, September 30  
9:00 a.m. - 4:00 p.m.  
RAMADA HOTEL  
1080 Riverdale Street  
WEST SPRINGFIELD

Friday, October 7  
9:00 a.m. - 4:00 p.m.  
SHERATON TARA  
1657 Worcester Road  
FRAMINGHAM

Registration 8:30 a.m

Seminar presentations will begin promptly at 9:00 a.m.

## MORNING

### WHAT'S NEW IN MUNICIPAL LAW

Local Services Legal Staff will present the latest  
from the Legislature and the Courts

## AFTERNOON WORKSHOPS

COME AND DISCUSS RECENT CHANGES IN MUNICIPAL LAW WITH  
LEGAL STAFF FROM THE DEPARTMENT OF REVENUE'S DIVISION OF LOCAL SERVICES

Choose one topic from each session on the attached page.

Lunch is available at \$18.00 per person

**MENU:** Roast Chicken, Garden Salad, Potatoes,  
Fresh Vegetables, Beverage, and Dessert.

**ALL COMPLETED REGISTRATIONS AND CHECKS MUST BE RECEIVED PRIOR TO THE SEMINAR**

WHAT'S NEW IN MUNICIPAL LAW?

Name \_\_\_\_\_ Position/Board \_\_\_\_\_

Community \_\_\_\_\_ Phone \_\_\_\_\_

SEMINAR LOCATION: W. SPRINGFIELD - Friday, September 30  
FRAMINGHAM - Friday, October 7

My check in the amount of \$25.00 for the luncheon and the registration fee, payable to the COMMONWEALTH OF MASSACHUSETTS, is enclosed.

\*\*\* OR \*\*\*

I do not want the luncheon. My check for the registration fee only, in the amount of \$7.00 payable to the COMMONWEALTH OF MASSACHUSETTS, is enclosed.

The morning is a large group session for everyone. Please indicate your choice of afternoon workshop sessions.

\*\*\*\*\* SESSION I \*\*\*\*\*

1:45 p.m. - 2:45 p.m.  
(PLEASE CHOOSE ONE TOPIC)

MOTOR VEHICLE EXCISE

A Preview Of Our New Reference Manual..... I-A  
Speaker: Bruce Stanford, Esq.

EDUCATION REFORM FINANCES

Best Of Times/Worst Of Times?..... I-B  
Speaker: Robert Addelson, Chief, MDM/TAB  
Christopher Hinchey, Esq.

REVOLVING & OTHER FUNDS FOR SPECIAL PROGRAMS & SERVICES

Recent Developments..... I-C  
Speakers: Daniel Murphy, Esq. & Kathleen Colleary, Esq.

\*\*\*\*\* SESSION II \*\*\*\*\*

3:00 p.m. - 4:00 p.m.  
(PLEASE CHOOSE ONE TOPIC)

AVOIDING DEFICITS

How to Deal With Overspending..... II-A  
Speaker: Harry Grossman, Chief, Property Tax Bureau

EDUCATION REFORM

School Management & The Budget..... II-B  
Speakers: Robert Addelson, Chief, MDM/TAB; Gary Blau, Esq.;  
Christopher Hinchey, Esq.

ISSUES IN ASSESSING & COLLECTING PROPERTY TAXES

Circumventing The Headaches ..... II-C  
Speaker: James Crowley, Esq.

Please return this entire completed page before September 22 to:

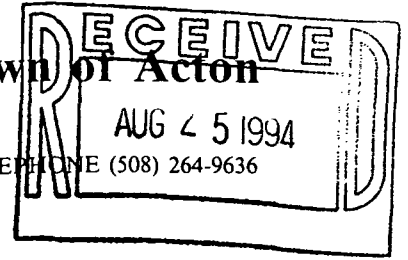
Barbara LaVertue  
Division of Local Services  
P O BOX 9655  
Boston, MA 02114-9655



# PLANNING BOARD

Town of Acton

472 MAIN STREET ACTON, MASSACHUSETTS 01720 TELEPHONE (508) 264-9636



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ACTON PLANNING BOARD

Minutes of Meeting

June 27, 1994

DATE August 24, 1994

Barbara Brown  
TOWN CLERK, ACTON

Planning Board members in attendance were: William Shupert, Vice Chairman; John Pavan, Clerk; Gregory Niemyski; Mary Giorgio and Associate Members Richard Crosswell and Joshua Chernin. Planning Board members David Hill, Douglas Carnahan and James Lee were not in attendance. Assistant Planner Donna Jacobs also attended.

## I Consent Agenda

### A. Minutes of the 6/6/94 Board meeting

Mr. Pavan asked to have the minutes called off of the consent agenda. He reviewed one section of the minutes with the board, but no change was made. Mr. Pavan moved that the Board vote to approve the minutes as written. Mr. Niemyski seconded the motion which passed by unanimous vote.

### B. Maple Creek Farm Bond Calculation

Mr. Niemyski moved that the Board vote to establish a \$235,000 performance bond for the Maple Creek Farm Subdivision/PCRC as recommended by the Engineering Department. His motion was seconded by Mrs. Giorgio and passed by unanimous vote.

### C. Audubon Hill Bond Release

Mr. Pavan moved that the Board vote to deny the bond release requested for the Audubon Hill development based on staff recommendations. His motion was seconded by Mr. Niemyski and passed by unanimous vote. Staff will advise the bank of the Board's vote and the nature of the work remaining to be done.

## II Village Planning Report

### A. West Acton Village Plan

Mr. Shupert discussed the implementation program with the members of the Board. Mr. Shupert will write an explanatory letter to the Board of Selectmen regarding implementation of the West Acton Village Plan.

### B. The South Acton Village Planning Committee

Mr. Shupert reported that the committee expects to release the draft plan for public review and comment in July.

III Kelley's Corner - MIG Grant Application, CDC, Committee Search, Planning Area

Board members reviewed the draft application and discussed the ambitious time table outlined therein. Members discussed how the project would be completed if the Town is not awarded the MIG Grant. Mrs. Jacobs explained that the consultant's work would have to be scaled back to what could be funded by the Town Meeting appropriation and that the time table would be extended, probably at least a year. Mr. Niemyski moved that the Board vote to submit the Municipal Incentive Grant application as drafted. His motion was seconded by Mr. Pavan and passed by unanimous vote.

IV Public Hearing, Arlington St. Scenic Road

Mr. Shupert read the hearing notice and introduced Tree Warden Dean Charter. Mr. Charter described the proposed project and the number and types of public shade trees that would have to be removed to accommodate the construction of the sidewalk. Mr. Charter informed the board that the fewest trees possible were being removed, but that a meandering sidewalk that could save trees is not possible in this location due to the close proximity of Grassy Pond Brook. Mr. Stamski of Stamski and McNary reviewed the construction details. Mr. Charter stated that he is a frequent walker in this area and has almost been hit by cars a number of times in the past.

Mr. Richard Swenson of Newtown Road objected to the defoliation and the added expense incurred by the Town when sidewalks are constructed. Mr. Swenson stated that he uses the road daily and never sees anyone walking along the road.

Mr. Niemyski informed the audience that the sidewalk construction is being funded by a developer as part of the subdivision approval process. Ms. Belle Choate stated that she took pictures of sidewalks throughout Acton for the Town Manager in preparation for Town Meeting. She photographed residents walking on the newly constructed sidewalk on Arlington Street. Mrs. Giorgio said that the high speed of traffic on Arlington Street causes very serious safety issues for pedestrians. She also reported that school children regularly use the new sidewalk.

Mr. Pavan inquired about the replication of wetlands. Mr. Stamski responded that the project proposes to replicate 3 times the amount of wetlands lost in construction of the sidewalk.

Mr. Croswell asked about the guard rail and recommended that the detail be modified to provide positive drainage on the guard rail posts to extend the life of the posts.

Mr. Swenson asked how salt will be constrained from entering the wetlands and whether the Conservation Commission has held a hearing for the sidewalk. Mr. Stamski replied that the salt application will not change from what is currently in use. The Conservation Commission has already held a hearing on the proposed project.

Mr. Pavan moved to close the public hearing. His motion was seconded by Mr. Niemyski and passed by unanimous vote. Mr. Niemyski moved that the Board vote to issue the draft decision with a second condition that the detail for the



guard rail be modified to provide positive drainage. His motion was seconded by Mr. Pavan and passed by unanimous vote.

V Public Meeting, Marshall Crossing Preliminary Subdivision/PCRC

Mr. Shupert announced the public meeting and introduced Mr. Stamski who described the proposed development. The following issues were raised for discussion: waiver to allow a 1500' road length in consideration of the open space to be preserved and the undisturbed vegetated area along Carlisle Rd.; waiver to allow sidewalk to be constructed along Pope Road instead of along Carlisle Rd; waiver to allow access to a lot of land located in Carlisle; road projections to adjacent parcels of undeveloped land; potential for historically significant features found on the parcel; and inclusion of affordable housing.

Mr. Stamski presented a map of Acton to show the area from Carlisle Road to Pope Road and stated that there would be 2-3 wetlands crossings required if a road were to be constructed to connect these two town roads. Mr. Peabody stated that he would provide emergency access, but did not want to provide a full service road access.

Mr. Peabody reported that he has walked the parcel with two members of the Acton Historical Society and that David Wood of the Concord Antiquarian Museum has said that there is no historical significance to the piles of rocks found on the parcel. Mr. Peabody is scheduled to meet with Mr. Fred Browne of the New England Association of Antiquities to investigate the rock formations. Mr. Peabody informed the Board that he would preserve the rock piles if they are found to be of historical significance.

Mr. Stamski said that the plan shows a common driveway for five houses, but the developer may choose to construct the road to town standards for future acceptance by the town.

Mr. Pavan expressed his belief that the Board require a full service road to provide future access to the adjacent undeveloped parcels. Board members discussed that there may be better connection provided on a future parcel proposed for development, but that it is important to provide the option for future connection in this proposed development.

Mrs. Muriel Lombardo of 26 Carlisle Road expressed concern about the development proposal because she has water in her basement every Spring and doesn't want it to be increased due to additional development. Mr. Stamski explained that the development is required to adhere to a water balance which means that the water discharged won't be any more post development than the amount discharged predevelopment. Mrs. Giorgio stated that the developer is required to comply with drainage standards when he files the definitive plan. Mrs. Giorgio expressed her support for connection to adjacent parcels of land and reminded the Board and audience that the Master Plan calls for connectivity, not isolation.

Mr. Niemyski moved that the Board vote to include the following conditions in its decision: modification of the plan to require projection of road from the first cul-de-sac to the adjacent parcel of land; access to the lot in Carlisle be denied; require a 100' minimum setback to Carlisle Road for Parcel A; emergency access be provided along the border of Parcel A and the adjacent parcel to connect to

the road extension at the cul-de-sac; the definitive plan comply with the requirements of the Subdivision Rules and Regulations; and that the sidewalk required along the subdivision frontage be allowed to be constructed elsewhere as specified by the Board.

Mr. Pavan seconded the motion. Discussion on the motion was Mr. Pavan's request to require the following additional conditions: the developer submit a proposal for affordable development in one of his proposed developments; careful review of the historical sites will be conducted and the plans shall be modified as needed, pending the results of the review; and that the road extension from the cul-de-sac to the adjacent parcel be in the form of a full service right-of-way. Mr. Niemyski agreed to these additional conditions as a friendly amendment to his motion. The board voted to approve the motion as amended by Mr. Pavan by unanimous vote.

Mr. Niemyski moved that the Board vote to approve the preliminary subdivision/PCRC including but not limited to the conditions established by the previous vote. His motion was seconded by Mr. Pavan and passed by unanimous vote.

#### VI Neon Signs

Board members agreed to postpone discussion of this item until the next Planning Board Meeting.

#### Other Business

##### West Acton Train Stop

Mr. Pavan reported that he is in the process of arranging a preliminary meeting to discuss the possibility of restoring the train stop in West Acton. He will report further at the next meeting.

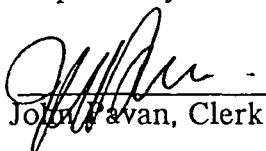
##### Appointment of New Members

Mr. Chernin and Mr. Croswell have been appointed as full members of the Planning Board effective July 1, 1994. They will replace Mr. Carnahan and Mrs. Giorgio who have both decided not to serve another term.

Board members expressed their appreciation of Mrs. Giorgio's years of service to the Town and stated that they would miss her expertise on the Board. Mrs. Giorgio thanked the Board members and staff for their cooperation and support over the past seven years.

The meeting adjourned at 10:30 PM.

Respectfully submitted,

  
John Pavan, Clerk

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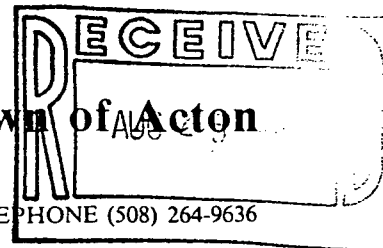


cc: BOS

## PLANNING BOARD •

Town of Acton

472 MAIN STREET ACTON, MASSACHUSETTS 01720 TELEPHONE (508) 264-9636



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### ACTON PLANNING BOARD

DATE August 24, 1994

### Minutes of Meeting

Barbara Brown  
for TOWN CLERK, ACTON

July 11, 1994

Planning Board members in attendance were: David Hill, Chairman; William Shupert, Vice Chairman; John Pavan, Clerk; James Lee; Richard Crosswell and Joshua Chernin. Planning Board member Gregory Niemyski was not in attendance. Town Planner Roland Bartl and Assistant Planner Donna Jacobs also attended.

#### I Consent Agenda

##### A. Minutes of the 6/27/94 Board meeting

The minutes were called off of the consent agenda and minor changes were made. Mr. Shupert moved that the Board vote to approve the minutes as amended. Mr. Lee seconded the motion which passed by unanimous vote.

##### B. Suburban Manor Groundwater Special Permit

The item was called off the consent agenda so that Board members could discuss the request for an amendment to the Suburban Manor Groundwater Special Permit. Mr. Shupert moved that the Board determine that the proposed change was a major change and would require a public hearing. His motion was seconded by Mr. Lee and passed by unanimous vote.

##### C. Ch.61A Notification, Choate Property

The item was removed from the Consent Agenda. Mr. Shupert moved that the Board advise the Selectmen to take no action at this time as the notification did not meet the requirements of notice. Mr. Crosswell seconded the motion which passed by unanimous vote.

#### II Village Planning Report

##### A. The South Acton Village Planning Committee

Mr. Shupert said that he has been pleased with the press coverage of the South Acton Village Plan and he reported that the draft plan will be released for public review and comment in two weeks. The plan is about 75% complete and members will work over the summer to complete the plan. The next SAVPC meeting will be held in September.

##### B. Kelley's Corner Planning Committee

Board members discussed the formation of the Kelley's Corner Committee and identified entities that should be represented on the committee. Members feel that it is important to have a member of the Board of Selectmen serve on the committee. Staff will send letters out and arrange interviews for the next

meeting. The first meeting of the committee will be held on 8/24/94 at 7:30 PM.

Mr. Croswell stated that he believes the Kelley's Corner Plan will be a very intensive planning effort which involves complex issues. Mr. Croswell said that he would like to serve on the committee as a representative of the Board. Mr. Pavan informed the Board that he is really interested in the Kelley's Corner planning effort and feels that his skills would be a good fit. Mr. Pavan agreed to serve as chairman of the Kelley's Corner Planning Committee. Mr. Chernin and Mr. Shupert stated that they would be available to help out on a project specific basis.

### III Decision, Marshall Crossing Preliminary Subdivision

Board members discussed the draft decision and made recommendations for minor amendments. Mr. Shupert moved that the Board vote to issue the decision, as amended, to approve the Marshall Crossing Preliminary Subdivision Plan with conditions. His motion was seconded by Mr. Croswell and passed by unanimous vote.

### IV Public Hearing, MacGregor Lane Definitive Subdivision

Mr. Hill opened the hearing by reading the legal notice as published in the Acton Citizen. Mr. Joseph March of Stamski and McNary, representing the applicant, presented the proposed development to the Board. Mr. March identified how the plan had been altered as recommended in the Preliminary Subdivision decision.

Mr. Hill asked if the applicant can comply with the requests from the engineering department and with the recommendation that the access to the existing houses be provided via the subdivision roadway. Mr. March said that there would be no problem complying with the Engineering Department's recommendations or with the Fire Chief's recommendation for a change of name to MacGregor Way. Mr. Fenton said that he could provide for future access from the existing lots to the subdivision road, but could not require the present owners to move their driveways.

Mr. Croswell inquired whether the public shade tree could be saved if the subdivision road featured a divided entrance. Mr. Hill advised that Dean Charter, Tree Warden, usually recommends against this because the tree will ultimately die due to the roots that would be cut to construct the roadway. Mr. Bartl pointed out that leaving the tree could cause sight distance problems.

Ms. Jean Butler of School Street expressed concern about the loss of the tree and asked whether there is any way to improve safety on Piper Road and save the tree. Mr. Lee recalled that residents stated that they wouldn't tolerate any changes in Piper Road during the development of the Master Plan. Mr. Pavan stated that he believes the safety problems are much bigger than what 300' of sidewalk would cost. Mr. Bartl reported that there is no accident history and that straightening Piper Road would require major land takings and easements.

Mr. Bartl reminded the applicant that to allow the houses at 45 & 47 Piper Road to become users of the common driveway, provisions need to be made in the maintenance agreements.

Ms. Butler asked whether the funds from waiving the sidewalk could be used to solve the drainage problem at the catchbasin on Piper Road near Route 2. Mr. Bartl said that the drainage problem seems to arise from re-landscaping done by Digital and that he would check to see who owned the problem. Mr. Bartl also advised that the Board has allowed Mr. Fenton to use the funds that would have been spent to construct sidewalk along Piper Road to add to the sidewalk construction on Arlington Street so that the sidewalk could be completed to Agawam.

Mr. Lee asked Mr. Newsham if he had observed any safety problems on Piper Road during the many years he has lived there. Mr. Newsham said that the only problem he has observed is speeding.

Hearing no further questions, Mr. Shupert moved to close the public hearing. His motion was seconded by Mr. Pavan and passed by unanimous vote.

V Public Hearing, Perkins Lane Common Drive Special Permit

Mr. Hill read the hearing notice and Mr. Joseph March of Stamski & McNary, Inc. explained that the common drive will provide access to the recently approved Perkins Lane Subdivision. The need for the special permit is a technicality caused by the layout of the common drive which extends beyond the subdivision roadway layout.

Mr. Croswell inquired about the garage located near the proposed common driveway. Mr. March informed the Board that the garage will be relocated near the existing house. There were no questions from the audience. Mr. Shupert moved that the Board vote to close the public hearing. His motion was seconded by Mr. Lee and passed by unanimous vote.

Board members reviewed the draft decision and made minor changes. Mr. Shupert moved that the Board issue the decision approving the common drive special permit, as amended. His motion was seconded by Mr. Croswell and passed by unanimous vote.

VI Public Meeting, Parmley Drive Preliminary Subdivision

Board members reviewed the proposed subdivision with Mr. Russell Wilson of R. Wilson & Associates, engineering consultant for the applicant, and Mr. Kevin Sweeney. Mr. Sweeney reported that the soil testing has been completed. Mr. Hill inquired about the street layout and referred the comments from the Engineering Department. Mr. Sweeney said that the road had been designed to comply with the Conservation Commission's wetlands setback requirements. Mr. Wilson explained that he has completed a survey of the flood plain elevation and has determined it to be 193.2'. As designed, the bottom of the retention base will be at 194'.

Board members said that they would like the roadway entrance straightened and would like the layout moved outside of the wetlands. Mr. Bartl inquired about the width of the layout, which is 50', and suggested that the applicant consider filing the definitive plan as a residential compound because it waives construction requirements down to common driveway standards. Mr. Bartl pointed out that if the Residential Compound option is chosen, the applicant would need a waiver to allow 4 lots. Mr. Hill stated that the waiver would not be a problem because it

would allow for a more environmentally sensitive layout.

Mr. Hill inquired about the construction of sidewalks along the roadway and the subdivision frontage on High Street. Mr. Bartl said that he would like to see the sidewalk extend towards South Acton. Mr. Sweeney cautioned that the sidewalk would have to be equal in cost to the sidewalk along the frontage and the subdivision roadway. Mr. Sweeney said that he will propose an alternative sidewalk along High Street starting at Main Street and heading towards Audubon Hill.

Mr. Pavan inquired whether the perc tests support the lot layout. He also asked whether the floodplain will interfere with house or road construction. Mr. Wilson said that flood plain would not interfere with the road construction and that the lowest basement would be 3' above the flood level.

VII Neon Signs

Board members discussed the memo from Mr. Bartl regarding neon signs. Members agreed that limited neon signs should be allowed as a matter of right and that standards be established similar to those for window signs. Mr. Chernin stated that it is not clear that seople support neon signs. The Board requested that staff draft an amendment to accomplish this for their review in the early Fall.

VIII Mass. Planning & Development Act

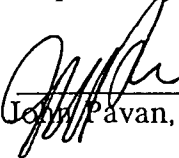
Mr. Pavan discussed with the Board the proposed legislation. It was agreed that the Board would closely monitor the progress of the legislation.

IX River & Rail Trail - Hudson to Acton Bikeway

Mr. Pavan reported on the meeting he attended. The group is trying to develop a bikeway utilizing old railroad right-of-ways from Marlboro to Acton that may ultimately connect to the one in Concord. The group is looking for Acton residents to actively participate on the committee. Grants have been applied for and they will need local support to have the bikeway become a reality.

The meeting adjourned at 10:00 PM.

Respectfully submitted,

  
\_\_\_\_\_  
John Pavan, Clerk

dw11.16

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

DATE: 8/26/94

TO: Don P. Johnson, Town Manager

FROM: Donna Jacobs, Assistant Planner



SUBJECT: MPO Transportation Plan


The Boston Metropolitan Planning Organization recently asked for comments on its draft of the public participation process, a component of the proposed State Transportation Plan. Unfortunately, we did not receive a copy of the draft to review and the public comment period on that component has closed. However, the MPO should release the proposed State Transportation Plan, including the revisions proposed to establish a public participation process, in early September. The Boston MPO will hold public hearings on the proposed plan during the month of September which will afford another opportunity for the Board of Selectmen to provide comments.

If you have any questions or require additional information, please let me know.

dw11.38

NORM LAKE / BD. OF SELECTMEN:

WE WERE NOT AFFORDED AN OPPORTUNITY  
TO REVIEW THE PLAN. WITH YOUR PERMISSION,  
WE WOULD PROPOSE THAT WE SO ADVISE  
MR. BEAGAN AND TELL HIM THAT CONSTITUTES  
OUR RESPONSE TO HIS QUESTIONNAIRE. UNLESS  
THE BOARD DIRECTS OTHERWISE ON AUG. 30, I SHALL  
ASSUME YOUR AGREEMENT & PREPARE  
A RESPONSE.



TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATION  
TOWN MANAGER'S OFFICE

\*\*\*\*\*

DATE: August 1, 1994

TO: ~~Roland Bart~~/~~Donna Jacobs~~

FROM: Don P. Johnson, Town Manager

SUBJECT: MPO Transportation Plan

Attached is a questionnaire from the Boston MPO regarding the Transportation Plan. Since the Board of Selectmen does not work closely with this plan, your recommendations for comments from the Chairman of the Board would be most helpful.

Please prepare a set of draft comments for the Board to review at their next meeting (August 16). Retain the originals so you may complete the forms after the Selectmen have had an opportunity to review your draft comments, please.

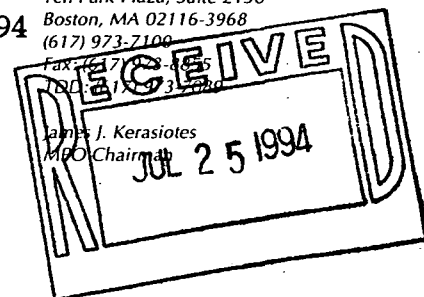


cc: Board of Selectmen



July 19, 1994

State Transportation Building  
Ten Park Plaza, Suite 2150  
Boston, MA 02116-3968  
(617) 973-7100



Norman Lake, Chairman  
Acton Board of Selectmen  
472 Main Street  
Acton, MA 01720

Dear Mr. Lake:

Last year your organization participated in the development of the Transportation Plan for the Boston Region, either by attending one of the public presentations or by submitting written comments. Many thoughtful and useful comments were received, which helped to improve the final adopted plan. Although the large volume of testimony and letters does not allow for a personal response to each individual or organization that participated, on behalf of Secretary Kerasiotes I would like to express his appreciation for your organization's efforts.

The MPO has recently developed a plan to further enhance public participation in transportation planning. As part of that effort, I would like to request your continuing help as the MPO revises the Transportation Plan. Enclosed is a questionnaire, asking for your opinions about various elements of the Transportation Plan--what we did right, what we could do better, and any suggestions as to how to improve the Plan or the planning process. I encourage you to take a few minutes to complete and return the questionnaire, or any portion thereof, so that the MPO can have the benefit of your input.

By receipt of this letter, you are ensured of having been placed on the MPO's mailing list of interested parties. This list will be used in the future to inform you of important transportation issues, and public meetings and presentations thereon.

Thank you again for your involvement last year. I look forward to your continuing involvement in the coming months.

Sincerely,

Daniel F. Beagan  
MPO Executive Secretary

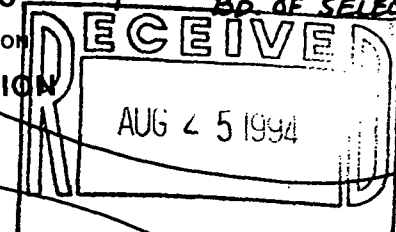


The MPO members:  
Executive Office of Transportation & Construction,  
Commonwealth of Massachusetts  
Massachusetts Highway Department  
Massachusetts Bay Transportation Authority  
Massachusetts Bay Transportation  
Authority Advisory Board  
Massachusetts Port Authority  
Metropolitan Area Planning Council



CC: BOS  
CABLE ADVISORY COMM. - PLEASE ADVISE IF ANY  
ACTION/COMMENT REQ'D BY  
BO. OF SELECTMEN

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION  
COMMUNITY ANTENNA TELEVISION COMMISSION  
LEVERETT SALTONSTALL BUILDING  
100 CAMBRIDGE STREET, BOSTON 02202



**IMPORTANT CABLE RATE  
REGULATION INFORMATION**

August 22, 1994


Dear Mayor \ Chairman of the Board of Selectmen:

I am writing to notify you that the Massachusetts Community Antenna Television Commission (the "Commission") is in receipt of your local cable operator's Federal Communications Commission's (FCC) Form # 1200 filing. As the issuing authority, you should be in receipt of this documentation. In keeping with the Commission's role of informing issuing authorities of procedures and time frames, your prompt review of the following information is of great importance and consideration at this time.

As you are aware from the first round of rate regulation, issuing authorities may file a Statement of Clarification, with the Commission, within 30 days of the operator's filing of the FCC Form # 1200. For further explanation of the procedures for filing a Statement of Clarification please review the Commission's regulations 207 CMR 6.36 (which are also enclosed with this letter).

As rate cases before the Commission are formal proceedings, individuals, issuing authorities, or any other parties are restricted from informally communicating with the Commission on matters of the filing. If you have any procedural questions, you may contact John D. Molloy, legal counsel to the Commission; however, any substantive comments must be made consistent with Commission regulations and procedures (e.g., Statements of Clarification or other written comments).

Sincerely,

  
Frank W. Foss  
Municipal Liaison

Attachments

cc: Chairman, Cable Advisory Committee

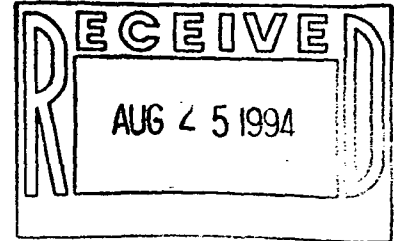
#### 6.36: Statements of Clarification by Issuing Authorities

- (1) The issuing authority may, at its option, present the Commission with a Statement of Clarification, which shall identify any discrepancies or inconsistencies submitted by the cable operator relating to, but not limited to, benchmark computations, franchise fee determinations, equipment installations, and external costs.
- (2) The issuing authority's Statement of Clarification shall be filed within 30 days of the cable operator's filing its rates and channel line-up pursuant to 207 CMR 6.33 and 6.34.
- (3) The issuing authority shall file its Statement of Clarification with the affected cable operator at the same time that it files with the Commission. The cable operator shall, at its option, and within 15 days of the filing of the Statement of Clarification, file with the Commission and the issuing authority a response to the Statement of Clarification.

cc: BOS  
CABLE ADVISORY COMM.

**CABLEVISION**<sup>SM</sup>

August 15, 1994



Jill Reddish, Acting Commissioner  
Mass. Community Antenna Television Commission  
Leverett Saltonstall Building  
100 Cambridge Street, Room 2003, 20th Floor  
Boston, MA 02202

Dear Commissioner Reddish:

This letter is sent to provide you with information on the methodology for providing refunds to subscribers of A/R Cable Services, Inc. and CSC Acquisition Corp. in accordance with the Commission's May 20, 1994, rate order.

Cablevision compared the rate it could have charged for basic service plus the rate it was permitted to charge for equipment with the rates it actually charged for service and equipment. Based upon that comparison it has been determined that no subscribers were overcharged for basic service and equipment, and no refunds were made in connection therewith.

Cablevision has reviewed its records to determine subscribers who overpaid for various types of installations. Refunds totaling approximately \$101,000.00 are being credited to the accounts of subscribers who are entitled to refunds for installation. The following methodology was used to determine the individual amount of refunds:

- Subscribers who paid full price for an Installation or full price for an Addset Installation during the period from September 1, 1993 thru July 14, 1994, are entitled to a refund based on the decreased installation rate certified by the Massachusetts Cable TV Commission in its rate order dated May 20, 1994.
- Similarly, subscribers who paid promotional priced installs are entitled to a refund if the promotional installation rate was greater than the certified installation rate.
- Refunds were calculated based on:

Over payment of installation charge less any underpayment of Broadcast Basic rate adjusted against equipment charges multiplied time the number of months of underpayment.

- If a subscriber paid more than one over payment they will receive a refund for each overpayment with the underpayment being netted only once.
- Interest for overpayment is calculated on a 6% A.P.R. pro-rated on a monthly basis.

Jill Reddish, Acting Commissioner  
August 15, 1994  
page 2

The refunds are provided as credits on subscribers bills within their cycle (approximately 25% subscriber base per cycle, four cycles to reach 100% of the subscriber base) beginning August 7, 1994. Former subscribers will receive a check for their refund sent to their last known address.

Copies of sample bills are provided for your information.

Yours truly,

A handwritten signature in black ink, appearing to read "William P. Morton", with a long horizontal flourish extending to the right.

William P. Morton  
General Manager

WPM:cac  
Enclosures

REFUND WORKSHEET  
MIDDLESEX

XAMPLE - 321571-1

TOTAL REFUND	(7.14)
--------------	--------

INSTALL 9/93 OVERCHARGE	10.17
NET PROGRAMMING	
11 MONTHS @ 1.10	(12.10)

REFUND	0.00
--------	------

ADD OUTLET 9/93 OVERCHARGE	6.79
NET PROGRAMMING	0.00
INTEREST 6%	0.35

7.14

TOTAL REFUND	7.14
--------------	------

=====

REPORT DATE: 04/11/94  
 REPORT TIME: 15:29:24  
 ROUTE TO : SDM

SCREEN PRINT

PAGE: 1  
 DDP8100/081  
 CORP# 07823

```

=====
(411360- 2) [REDACTED]
* * CUSTOMER DATA * *
[REDACTED]
CU MER COMMENT
IN LL 11/23/93 -SVC CODE-
DEPOSIT          SG 1
BALANCE         -0.48
RATE            10.95
OUTLETS         1 TV

\ *CODES* \
\ CLASS \CURRNT
\ C/TYPE \30 DAY
\ C/INFO \60 DAY
\ BIL ADR \90 DAY
\ SLSRP 231 \120 DY
\
\ SLS RSN H \
\ CAMPGN K \
\ DISC RN \
\ B-MODE 1 \
\ B-FORM S \
\ CYCLE C \
\ DISCNT \
\ REMINDR C \
\
\ STATUS \
\ HOUS ACTV \
\ CUST ACTV \
\ WIP \
\ T/C \
\ SRO \

\ * AGING * \
\01/15 DUE 20.91
\01/24 PAYMNT -20.91
\02/15 GDF TIER 10.95
\02/15 INSTALL . 1
\02/15 DUE 10.96
\03/02 PAYMNT -10.96
\03/15 GDF TIER 10.95
\03/15 DUE 10.95
\03/29 PAYMNT -10.95
\04/15 GDF TIER 10.95
\04/15 DUE 10.95
\05/02 PAYMNT -10.95
\05/15 GDF TIER 10.95
\05/15 DUE 10.95
\05/25 PAYMNT -10.95
\06/15 GDF TIER 10.95
\06/15 DUE 10.95
\06/23 PAYMNT -10.95
\07/15 GDF TIER 10.95
\07/15 DUE 10.95
\07/26 ADJ-5(1) -.48
\08/01 PAYMNT -10.95
\ BAL----> -0.48
  
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REPORT DATE: 03/11/94  
 REPORT TIME: 15:29:49  
 ROUTE TO : SDM

SCREEN PRINT

PAGE: 1  
 ODP8100/081  
 CORP# 07823

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=====
1 8915- 1) [REDACTED] 104/30 DUE 49.64
* * CUSTOMER DATA * * \ *CODES* \ * AGING * 105/09 45GRAM
[REDACTED] \ CLASS \CURRNT 19.66 105/31 LATE FEE 1.39
[REDACTED] \ C/TYPE \30 DAY 17.60 105/31 BD BASIC 6.62
[REDACTED] \ C/INFO \60 DAY 105/31 FAMILY 14.61
[REDACTED] \ BIL ADR \90 DAY 105/31 SPORTS .15
[REDACTED] \ SLGRP 294 \120 DY 105/31 FRAN FEE .50
CU MER COMMENT \ \WRTOFF 105/31 DUE 72.91
IN LL 10/22/84 -SVC CODE- \ SLS RSN H \ 106/01 60GRAM
DEPOSIT AL 1 \ CAMPGN K \ 106/09 PAYMNT -72.91
BALANCE 37.26 FA 1 \ DISC RN 5 \ 106/30 BD BASIC 6.62
RATE 19.66 \ B-MODE 1 \ 106/30 FAMILY 14.61
OUTLETS 2 TV \ B-FORM S \ 106/30 SPORTS .15
\ CYCLE A \ 106/30 FRAN FEE .50
\ DISCNT 0 \ 106/30 DUE 21.88
\ REMINDR A \ 107/31 BD BASIC 8.40
\ \ 107/31 FAMILY 11.00
\ STATUS \ 107/31 SPORTS .15
\ HOUS ACTV \ 107/31 FRAN FEE .11
\ CUST ACTV \ 107/31 DUE 41.54
\ WIP \ 107/26 ADJ-5(5) -4.28
\ T/C \ 108/08 45GRAM
\ SRO \ \ BAL----> 37.26
  
```



REPORT DATE: 08/11/94  
 REPORT TIME: 15:30:19  
 ROUTE TO : SDM

SCREEN PRINT

PAGE: 1  
 DDP8100/081  
 CORP# 07823

(195571- 5)			=====			=====		
* * CUSTOMER DATA * *			\ *CCDES*			\ * AGING *		
			\ CLASS			\ CURRNT 42.64		
			\ C/TYPE			\ 30 DAY		
			\ C/INFO			\ 60 DAY		
			\ BIL ADR			\ 90 DAY		
			\ SLSRP 207			\ 120 DY		
CUSTOMER COMMENT			\			\ WRTOFF		
IN ALL 04/04/94 -SVC CODE-			\ SLS RSN H \			\ 07/07 BD BASIC		
DEPOSIT	CB 1	\	\ CAMPGN K \			\ 07/07 FAMILY		
BALANCE 42.64	DB 1	\	\ DISC RN \			\ 07/07 SPORTS		
RATE 39.33	FD 1	\	\ B-MODE 1 \			\ 07/07 EQP CHG		
OUTLETS 1 TV	MP 1	\	\ B-FORM S \			\ 07/07 EQCH-BOX		
		\	\ CYCLE B \			\ 07/07 FRAN FEE		
		\	\ DISCNT \			\ 07/07 DUE		
		\	\ REMINDR B \			\ 07/21 ADJ-7(1)		
		\	\ STATUS \			\ 07/22 PAYMNT		
		\	\ HOUS ACTV \			\ 07/26 ADJ-5(2)		
		\	\ CUST ACTV \			\ 07/19 PRORAT		
		\	\ WIP \			\ 07/19 PRORAT		
		\	\ T/C \			\ 07/20 PRORAT		
		\	\ SRO \			\ 08/07 BD BASIC		
						\ 08/07 FAMILY		
						\ 08/07 SPORTS		
						\ 08/07 HD/TM		
						\ 08/07 EQP CHG		
						\ 08/07 EQCH-BOX		
						\ 08/07 FRAN FEE		
						\ 08/07 DUE		
						\ 08/08 PPV		
						\ BAL---->		

REPORT DATE: 05/11/94  
REPORT TIME: 15:28:56  
ROUTE TO : SDM

SCREEN PRINT

PAGE: 1  
DDP8100/081  
CORPN 07823

(310078- 2)

\*\*\* CUSTOMER DATA \*\*\*

\ \*CODES\*

\ \* AGING \*

\05/15 EQP CHG . 5

\05/15 EQCH-SCX .38

\05/15 FRAN FEE .17

\05/15 DUE 25.03

\05/20 PAYMNT -25.03

\06/15 BD BASIC 7.52

\06/15 FAM SR 14.96

\06/15 AMC 1.95

\06/15 EQP CHG . 5

\06/15 EQCH-BOX .38

\06/15 FRAN FEE .17

\06/15 DUE 25.03

\06/23 PAYMNT -25.03

\07/15 BD BASIC 9.65

\07/15 FAM SR 11.60

\07/15 AMC 1.95

\07/15 EQP CHG . 5

\07/15 EQCH-BOX .38

\07/15 FRAN FEE .11

\07/15 DUE 23.74

\07/21 PAYMNT -23.74

\07/26 ADJ-5(1) -.48

\ BAL----> -0.48

\ CLASS

\CURRNT

-.48

\ C/TYPE

\30 DAY

\ C/INFO

\60 DAY

\ BIL ADR

\90 DAY

\ SLGRP 285

\120 DY

\

\WRTOFF

\ SLS RSN J

\

\ CAMPGN K

\

\ DISC RN

\

\ S-MODE 1

\

\ B-FORM S

\

\ CYCLE C

\

\ DISCNT

\

\ REMINDR C

\

\

\

\ STATUS

\

\ HOUS ACTV

\

\ CUST ACTV

\

\ WIP

\

\ T/C

\

\ SRO

\

CUSTOMER COMMENT

IN ALL 11/04/93

-SVC CODE-

DEPOSIT

CV 1

BALANCE -0.48

DI 1

RATE 23.74

EH 1



OUTLETS 1 TV

FP 1

REPORT DATE: 08/11/94  
 REPORT TIME: 15:28:36  
 ROUTE TO : SDM

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PAGE: 1  
 DDP8100/091  
 CORP# 07823

(713622- 1) 			\05/31 EQP CHG		.10
* * CUSTOMER DATA * *			\05/31 EQCH-BOX		.76
			\05/31 FRAN FEE		.17
\ *CODES* \			\05/31 DUE		25.70
\ CLASS \			\06/03 PAYMNT		-25.70
\ C/TYPE \			\06/30 BD BASIC		7.52
\ C/INFO \			\06/30 FAMILY		16.96
\ BIL ADR \			\06/30 SPORTS		.19
\ SLSRP 734 \			\06/30 EQP CHG		.10
\			\06/30 EQCH-BOX		.76
\ SLS RSN D \			\06/30 FRAN FEE		.17
\ CAMPGN K \			\06/30 DUE		25.70
\ DISC RN \			\07/11 PAYMNT		-25.70
\ B-MODE 1 \			\07/31 BD BASIC		9.65
\ B-FORM S \			\07/31 FAMILY		13.60
\ CYCLE A \			\07/31 SPORTS		.19
\ DISCNT \			\07/31 EQP CHG		.10
\ REMINDR A \			\07/31 EQCH-BOX		.76
\			\07/31 FRAN FEE		.11
\ STATUS \			\07/31 DUE		24.41
\ HOUS ACTV \			\07/26 ADJ-5(1)		-7.10
\ CUST ACTV \			\08/09 PAYMNT		-24.41
\ WIP \			\		BAL----> -7.10
\ T/C \					
\ SRO \					

CU OMER COMMENT  
 INC ALL 10/01/93 -SVC CODE-  
 DEPOSIT AD 1  
 BALANCE -7.10 CV 2  
 RATE 24.41 DI 2  
 OUTLETS 2 TV FE 1

REPORT DATE: 03/11/94  
 REPORT TIME: 15:28:14  
 ROUTE TO : SDM

SCREEN PRINT

PAGE: 1  
 DDP3100/081  
 CORP# 07823

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=====
(321571- 1)
* * CUSTOMER DATA * *
=====
\ *CODES* \ * AGING * \05/22 EQP CHG .10
\ CLASS \CURRNT -7.14\05/22 EQCH-BOX .76
\ C/TYPE \30 DAY \05/22 FRAN FEE .17
\ C/INFO \60 DAY \05/22 DUE 25.70
\ BIL ADR \90 DAY \05/26 PAYMNT -25.70
\ SLSRP 702 \120 DY \06/22 BD BASIC 7.52
\ \WRTOFF \06/22 FAMILY 16.96
\ \06/22 SPORTS .19
\ \06/22 EQP CHG .10
\ SLS RSN D \06/22 EQCH-BOX .76
\ CAMPGN K \06/22 FRAN FEE .17
\ DISC RN 4 \06/22 DUE 25.70
\ B-MODE 1 \06/28 PAYMNT -25.70
\ B-FORM 3 \07/22 BD BASIC 9.65
\ CYCLE D \07/22 FAMILY 13.60
\ DISCNT \07/22 SPORTS .19
\ REMINDR D \07/22 EQP CHG .10
\ \07/22 EQCH-BOX .76
\ STATUS \07/22 FRAN FEE .11
\ HOUS ACTV \07/22 DUE 24.41
\ CUST ACTV \07/25 PAYMNT -24.41
\ WIP \07/26 ADJ-5(1) -7.14
\ T/C \
\ SRO \ BAL----> -7.14
=====
  
```

CUSTOMER COMMENT  
 IN ALL 09/15/84 -SVC CODE-  
 DEPOSIT AD 1  
 BALANCE -7.14 CV 2  
 RATE 24.41 DI 2  
 OUTLETS 2 TV FS 1

## Volunteer Coordinating Committee Minutes July 18, 1994

Present: Comstock, George, Kadlec, Lane, Whitcomb  
Absent: ~~Husbands~~

Meeting was called to order at 7:32 pm at Acton Town Hall. Minutes of 27 June 1994 meeting were reviewed and approved as written.

### Old Business:

The Board of Selectman made the following appointments:

Nicholas Miller	Board of Appeals	exp 6/30/97
Peter Berry	Board of Appeals	exp 6/30/97
Cindy Patton	Board of Health	exp 6/30/97
Don Herskovitz	Lowell Reg. Transp. Authority	exp 6/30/95

Sworn in:

James Lee	Planning Board	7/13/94	exp 6/30/99
Richard Crosswell	Planning Board	7/11/94	exp 6/30/99
Edward Bailey	Cemetery Comm	7/13/94	exp 6/30/97
Cindy Patton	Board of Health	7/13/94	exp 6/30/97
Thomas Ballantyne	Prison Advisory	7/15/94	exp 6/30/97

### Interviews:

Leonard Schwab - Municipal Power Study Committee: Originator of article at Town Meeting. An Electrical Engineer prompted by lack of competition from Boston Edison feels rates and service are not meeting standards, would like to join in with another town to investigate alternative sources. He would like a representative from the schools to be on the committee as well as a local business representative. He is a 15 year Acton resident with a degree in Electrical Engineering he is a registered professional engineer and has experience with systems planning.

~~Sushama Gokhale~~

Sushama Gokhale - Finance Committee: Since 1992 she has been an active member of the South Acton Village Planning Committee. She has two school age children and feels the Finance Committee is her forte as a comptroller of a local high-tech company she has a thorough knowledge of finance, accounting and the town planning process. She is only interested in the Finance Committee and we encouraged her to attend some of their meetings.

Ben McCann - Municipal Power Study: As an Electrical Engineer he would like to share his experience and knowledge serving on either this committee or another one where his skills would be used. He has lived in Acton two years and has extensive experience in computer systems development. He would also like to assist with word processing using his PC.

Paul Hoff - Public Ceremonies Committee: He is recommended by Norman Lake. He has been active in Boy Scouts for 25 years and has organized the parades on Memorial Day and July 4th, thus he has been acting as Chairman of this committee for the last few months.

**New Business:**

Board needs: Decided not to advertise at this time.

**Recommendations for Candidates:**

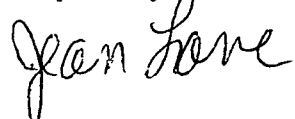
Sushama Gokhale: application will be sent to Don Mackenzie

Paul Hoff: moved and voted to recommend to Town Manager for Celebrations Committee.

Dick Rippere: moved and voted to recommend to BOS Hanscom Field Advisory - alt. member exp 6/30/96.

The meeting adjourned at 9:36 pm. The next meeting will be 15 August, 1994 at 7:30 pm in the Town Hall.

Respectfully Submitted

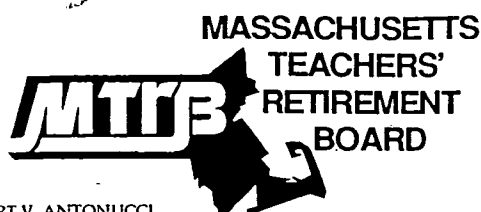


Jean Lane

cc: Board of Selectmen, Town Clerk

8-18-94

cc: BOS



ROBERT V. ANTONUCCI  
COMMISSIONER OF EDUCATION  
CHAIRMAN

JOHN A.M. DOW, JR.  
GEORGE F. MCSHERRY  
LINDA M. RUBERTO  
RICHARD M. ADAMS

THOMAS R. LUSSIER  
EXECUTIVE DIRECTOR

One Ashburton Place, Room 919 • Boston, MA 02108-1546 • (617) 727-3661  
Fax (617) 727-6797

August 12, 1994

Don  
John V  
Roy  
Bill Ryan

FYI

Lisa Sumner

Ellin Hassett  
Insurance Representative  
Town of Acton  
Main Street  
Acton, MA 01720

Dear Ms. Hassett:

As you are aware, your school district has accepted the 1994 Early Retirement Incentive Program for members of the Teachers' Retirement System. Under the provisions of the E.R.I. Program, the effective date of retirement for your members accepted under this program is August 31, 1994.

For your reference, I am enclosing a list of members from your district who have applied for acceptance into the E.R.I. Program. The list is alphabetical and includes the member's social security number and date of birth (if available). As soon as all applicants have been notified whether or not they have been accepted in the E.R.I. program, I will provide you with a list of those accepted from your school district. I should have this information during the first week in September.

The first retirement benefit will be paid to these retirees accepted in the Program on October 31, 1994 and will include their September and October payments. At the time I provide the list of those accepted into the E.R.I. program, I will also advise you of any special procedure to report their insurance withholdings, plus any retroactive amounts that you may wish us to collect from your new retirees.

Thank you for your continued cooperation and please do not hesitate to contact me should you have any questions concerning this E.R.I. Program and its impact on retirees' insurance coverage and withholdings. It has been a pleasure to be of service.

Very truly yours,

*Robert N. Salza*  
Robert N. Salza  
Insurance Coordinator

RNS/rns  
Enc.



<u>SCHOOL DISTRICT</u>	<u>LAST NAME</u>	<u>FIRST NAME</u>	<u>SOCIAL SECURITY #</u>	<u>BIRTH DATE</u>
	Johnson	Jennie	033-28-2035	9/2/38
	LaRoche	Corinne	017-24-4565	1/20/32
	Smith	Annice	174-30-6648	3/21/38
	Terris	Patricia	032-28-3037	6/13/32
	Twente	Charlene	488-38-7317	8/14/36
	Ziehler	Marcia	026-26-9201	7/29/32



cc: Bos

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

INTERDEPARTMENTAL COMMUNICATION

TO: Board of Appeals

DATE: August 15, 1994

FROM: Roland Bartl, AICP, Town Planner R.B.

SUBJECT: Petition 94-20, Idylwilde Farms, Inc.

The petitioner proposes a gravel parking area, and requests a variance from all of the requirements of Section 6 of the Zoning Bylaw (Parking Standards), and a flood plain special permit under Section 4.1.8.

I see two significant issues of concern:

1. The site is in the groundwater protection district Zone 3. The plan does not provide for any measures to protect groundwater from contaminated runoff from the parking area. The zoning bylaw in sub-sections of section 4.3 sets forth specific requirements to treat and renovate runoff from impervious surfaces such as parking lots. Allowing a gravel parking lot would avoid and defeat the purpose of these requirements and render the groundwater more vulnerable to potential contamination. This is inappropriate in a town like Acton where groundwater is the sole source of drinking water. Further, a variance would be inconsistent with major provisions of Acton's Master Plan to protect groundwater. I recommend that the parking lot be paved and the improvements comply with the requirements of the applicable sub-sections of 4.3.
2. I assume that the proposed parking lot is to serve as overflow customer parking for the retail store. How then do these customers get from the overflow parking lot to the store? I suggest that the Board look at appropriate and safe pedestrian connections from the parking area to the store, including a signalized crossing over the railroad tracks or a sidewalk along Central Street connecting the two sites.

xc: Planning Board  
Don P. Johnson ✓

ridc.94\*53

GZA  
Remediation, Inc.

Integrated Environmental  
Services

CC: BOS - COVER LTR. ONLY  
FULL DOC. IN RF/RETAIN

August 23, 1994  
Project No. 6116.24



Ms. Lynne Jennings  
Waste Management Division  
U.S. Environmental Protection Agency, Region 1  
90 Canal Street  
Boston, Massachusetts 02114

Mr. Edmond Benoit  
Bureau of Waste Site Cleanup  
Massachusetts Department of Environmental Protection  
75 Grove Street  
Worcester, Massachusetts 01605

320 Needham Street,  
Newton Upper Falls  
Massachusetts 02164  
617-244-7099  
FAX 617-630-6420

Re: Air Monitoring and Emission Control Plan  
W.R. Grace & Co. - Acton, Massachusetts


Dear Ms. Jennings and Mr. Benoit:

On behalf of W.R. Grace, GZA Remediation, Inc. hereby presents the final submission of the Air Monitoring and Emissions Control Plan for the remediation activities at the Acton, Massachusetts site. This plan has been prepared by GZA Remediation with contributions from CDM, Inc., Woodward-Clyde Consultants, and TRC Environmental Corporation and responds to comments received from the GPs.

This final submission of the Air Monitoring and Emission Control Plan fulfills the government parties requirements of Project Work Plan submission. On Friday August 26, 1994 GZA Remediation will submit two addenda. These two addenda will modify the Site Work Plan and the Construction Quality Control Plan as discussed during a meeting held on August 18, 1994. W.R. Grace is prepared to begin work immediately in accordance with the Plans and Addenda as submitted upon approval by the government parties, provided approval is granted by August 31, 1994. This approval date is essential in order to begin work this year.

Very truly yours,

GZA REMEDIATION, INC.

  
John P. DeStefano, P.E.  
Vice President

JPD/mc f:\jobs\1604\fin-air

A Subsidiary of GZA  
GeoEnvironmental  
Technologies, Inc.

CC: BOS - FYI

TOWN OF ACTON

PLANNING DEPARTMENT

472 Main Street  
Acton, MA 01720

(508) 264-9636  
(508) 264-9630 fax

August 26, 1994

Mr. Douglas Carnahan, Director  
Metropolitan Data Center  
60 Temple Place  
Boston, MA 02111

re: Long-term Population Projections

Dear Doug:

In response to David Soule's letter of July 21, 1994, please be advised that the Board of Selectmen have reviewed the revised long-term population projections and would like to offer the following comments. Although Acton's population is slightly less than your projections for the present time, the Selectmen agree with your projection of a 13% increase in population by the year 2000 due to the significant increase in residential development activity over the past couple of years.

The population projections for each age group appear to be accurate with the exception of the age group "75+". We ask that you consider revising your projections for this age group because Acton currently has 632 residents age 75 or older. As you can see, this population is higher than your projected population of 607 for this age group in the year 2000.

If you have any questions concerning these comments or require additional information, please do not hesitate to call me.

Sincerely,



Donna M. Jacobs  
Assistant Planner

cc: Don P. Johnson, Town Manager

dw11\*37

~~Town Clerk~~  
BOARD OF SELECTMEN

cc: BOS  
VCC

July 11, 1994

William Hill, Chairman  
Acton Conservation Commission  
Town Hall  
Acton, MA 01720

Dear Will,

It is with much regret that I submit my resignation from the Acton Conservation Commission. Due to the requirements of my new position I will be unable to devote the time and energy that I feel are needed to effectively carry out the duties of a Commissioner. It has been an enjoyable ten years and I know the Commission will benefit from the new blood that will replace me, as I have benefitted from the Commission. My resignation will be effective August 31, 1994.

Sincerely,



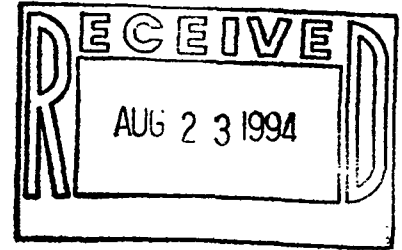
Andrew Sheehan

RECEIVED & FILED

DATE August 19, 1994

Barbara Brown  
for TOWN CLERK, ACTON

cc: BOS



BOARD OF ASSESSORS

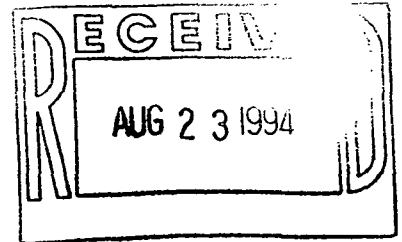
MINUTES

JULY 25, 1994

1. Digital Equipment Corp. abatements were signed.
2. The Board reviewed assessments at Brook Run Condos.
3. Land at 22 and 24 Revolutionary Road was abated to \$11,600 and \$11,800.
4. Motor vehicle abatement was denied on application filed by Gellar.
5. The Board agreed to abate property owned by AET Corp., 533 Main Street by \$164,800 valuation.
6. Property owned by MAC Inc., 530 Main Street was abated by \$138,900 valuation.
7. Minuteman Press received an abatement of \$68,246 valuation-personal property.
8. Property at 403 Great Road #9 (Williams) was abated by \$18,800 valuation.
9. Property at 8 & 10 Post Office Square (Liquid Metronics, Inc.) abatement application was reviewed - no decision made at this time.
10. Property owned by Nahigian, 85 Hosmer Street #B6 was abated by \$23,100 valuation.
11. Property owned by Cummings, 85 Hosmer Street #E3 was abated by \$23,100 valuation.
12. Assabet Savings (Middlesex) received an abatement on property at 577 Mass. Ave. in the amount of \$63,000 valuation.
13. Acton Barber Stylist received an abatement (personal property) of \$1,685 valuation.

Attendance: James Kotanchik  
Donald Rhude  
David Brown  
Brian McMullen

cc: BOS



BOARD OF ASSESSORS

MINUTES

AUGUST 1, 1994

1. Motor vehicle commitment and warrant #3 for FY 94 was signed.
2. Motor vehicle commitment and warrant #7 for FY 93 was signed.
3. Motor vehicle commitment and warrant for FY 88 was recinded.
4. The Board agreed to abate property at 371 Mass. Avenue #S1 by \$11,600 assessed value.
5. The Board abated property at 2 Eastern Road by \$38,600 assessed value.
6. Property at 292 and 298 School Street was abated in all by \$47,300 assessed value.
7. The Board agreed to abate property at 6 Piper Lane-Rear from \$57,700 down to \$28,500.
8. The Board reviewed an abatement on 5-7 Post Office Square - no abatement was granted.
9. The Following is a list of condos at Brookrun that were abated in part: D4-201-2, D4-201-3, D4-201-4, D4-201-5, D4-201-6, D4-201-7, D4-201-8, D4-202-13, D4-202-14, and D4-202-15.
10. The Board agreed to abate property at 8-10 Post Office Square (Liquid Metronics, Inc.) down to \$2,844,000.

Attendance: Donald Rhude  
David Brown  
Brian McMullen

cc: BOS - FYI

PATRICIA FONDA SAWYER

127 CONCORD ROAD  
ACTON, MASSACHUSETTS 01720

August 24, 1994

Dear Don,

Just think, you only have two years to get these ideas.

After you clean out my dam in front of the sluice ways and wherever this mess has accumulated, would you please consider lining the bottom of the dam with trap rock? This would act like a coffee filter and help with siltation this year and next.

Please have David go over with the design of the dam outlet before you proceed.

I almost called DEP many times in the last few days concerning the fill on my side, but decided against it as I was afraid it would hinder the Town's efforts to get permits for the Pond project next year.

Sincerely,

Patricia Sawyer

cc:

Dave Apt, Dean Charter, Tom Tidman

8/26  
cc: BOS - FYI ... THERE WILL  
PROBABLY BE MORE TO THIS.

Town of Acton

Planning Board

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

August 22, 1994

Ms. Sandi Pitcher  
Cambridge Wear  
340 Great Road  
Acton, MA 01720

Re: Acton Sign Bylaw, Section 7.4.3.4.c)

Dear Ms. Pitcher:

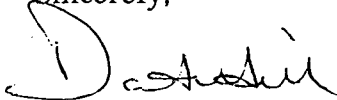
Thank you for your letter, dated August 3, 1994. You have asked, if the above referenced section of the zoning bylaw could be amended to make it clearer and compliance easier. After the review of the Board of Appeals decision on your appeals application, it appears to us that the primary issue in question was the meaning of the word 'opaque'.

Section 7.4.3.4.c), as well as section 7.4.3.4.e), of the Acton Zoning provide for sign illumination by which illuminated letters are cut out from an otherwise opaque sign surface.

The word 'opaque' is consistently defined in generally available dictionaries (Webster's International, Oxford English, Random House, American Heritage). Following the dictionary definitions, an opaque material is one which lacks illumination, does not reflect or emit light, is impenetrable to light (does not allow light to pass through), and is otherwise not transparent or translucent.

The Planning Board feels that the word 'opaque' is rather well defined. At this time it is unclear how the Zoning Bylaw might benefit from further definition or clarification. However, if you have a specific suggestion or recommendation, please feel free to send it to the Acton Town Planner. The Planning Department collects potential Zoning Bylaw clarifications and corrections, and annually brings them before the Planning Board for its consideration.

Sincerely,



David Hill, Chairman, Planning Board

cc: Don P. Johnson, Town Manager ✓  
Garry Rhodes, Building Commissioner

rlet.94\*20



ACTON HISTORIC DISTRICT COMMISSION  
472 Main Street, Acton, MA 01720

NOTICE OF WAIVER OF PUBLIC HEARING

APPLICATION # 9422

Date of mailing: 8-12-94

Dear Property Owner:

An application for a Certificate of Appropriateness has been received by the Acton Historic District Commission from the following property owner:

Applicant and address of proposed work

Proposed alteration

Town of Acton  
Great Hill/S. Acton Fire Station


new wooden guardrail at  
west side of parking lot

In accordance with the Acton Historic District Bylaw, the Commission may waive a public hearing on an application for a Certificate of Appropriateness if the Commission determines that the alteration to the exterior features involved is insubstantial in its effect on the overall historic district. Such action by the Commission requires that notice be given to the owners of all adjoining properties and other properties that may be materially affected by the alteration. The above case is currently under review for a Certificate of Appropriateness. If you do not request a public hearing within ten (10) days from the date of mailing, the Commission may act upon the application without a public hearing.

If you desire a public hearing, please sign and return this notice to the Commission within ten days from the date shown above. If you do not desire a public hearing no action on your part is required.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

  
\_\_\_\_\_  
Historic District Commission

ACTON HISTORIC DISTRICT COMMISSION  
472 Main Street, Acton, MA 01720

cc: BOS

NOTICE OF WAIVER OF PUBLIC HEARING

APPLICATION # 9418

Date of mailing: 8-12-94

Dear Property Owner:

An application for a Certificate of Appropriateness has been received by the Acton Historic District Commission from the following property owner:

Applicant and address of proposed work

Proposed alteration

Town of Acton  
Town Hall, 472 Main Street

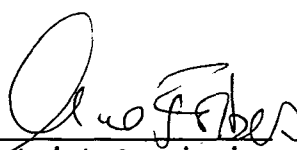
metal snowguards for skylights  
at Town Hall

In accordance with the Acton Historic District Bylaw, the Commission may waive a public hearing on an application for a Certificate of Appropriateness if the Commission determines that the alteration to the exterior features involved is insubstantial in its effect on the overall historic district. Such action by the Commission requires that notice be given to the owners of all adjoining properties and other properties that may be materially affected by the alteration. The above case is currently under review for a Certificate of Appropriateness. If you do not request a public hearing within ten (10) days from the date of mailing, the Commission may act upon the application without a public hearing.

If you desire a public hearing, please sign and return this notice to the Commission within ten days from the date shown above. If you do not desire a public hearing no action on your part is required.

\_\_\_\_\_  
Name

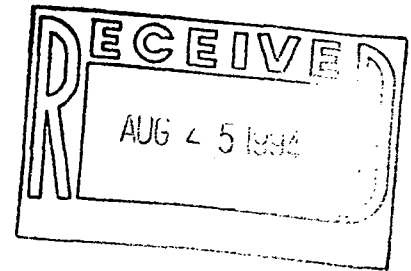
\_\_\_\_\_  
Address

  
\_\_\_\_\_  
Historic District Commission

ACTON HISTORIC DISTRICT COMMISSION  
472 Main Street, Acton, MA 01720

NOTICE OF WAIVER OF PUBLIC HEARING

APPLICATION # 9430



Date of mailing: 8-12-94

Dear Property Owner:

An application for a Certificate of Appropriateness has been received by the Acton Historic District Commission from the following property owner:

Applicant and address of proposed work

Town of Acton  
Davis Monument, Town Common

Proposed alteration

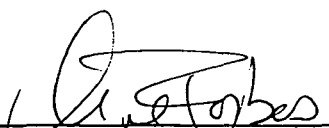
five new granite posts for  
chain fence around Davis  
Monument

In accordance with the Acton Historic District Bylaw, the Commission may waive a public hearing on an application for a Certificate of Appropriateness if the Commission determines that the alteration to the exterior features involved is insubstantial in its effect on the overall historic district. Such action by the Commission requires that notice be given to the owners of all adjoining properties and other properties that may be materially affected by the alteration. The above case is currently under review for a Certificate of Appropriateness. If you do not request a public hearing within ten (10) days from the date of mailing, the Commission may act upon the application without a public hearing.

If you desire a public hearing, please sign and return this notice to the Commission within ten days from the date shown above. If you do not desire a public hearing no action on your part is required.

Name \_\_\_\_\_

Address \_\_\_\_\_

  
Historic District Commission

8/26  
DEAN CHARTER —  
DOES THIS DAMAGE FROM  
AUTO ACCIDENT REALLY  
REQUIRE HDC HRG. IN ORDER  
TO REPAIR ?

CC: BOS  
HDC

4/93  
4/93

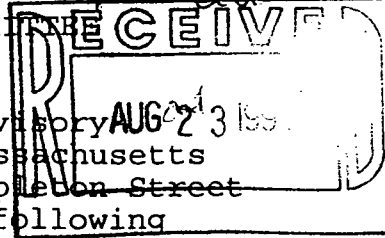


cc: BOS

cc MAGIC BOS, Planning  
and Engineering.

N.B. Corrections as noted  
approved by Dan Beagan +  
Judy Walpole

MINUTES OF THE ROUTE 2 CORRIDOR ADVISORY COMMITTEE  
June 17, 1994



The meeting of the Route 2 Corridor Citizens Advisory Committee was held Thursday, June 17, 1994 at the Massachusetts Highway Department (MHD) District 4 Office at 519 Appleton Street in Arlington. Dan Beagan chaired the meeting. The following were in attendance:

Dan Beagan, BTP&D-EOTC  
Kojo Fordjour, MHD, Envir. Division  
Efi Pagitsas, CTPS  
Bob MacDonald, MHD, District 4 Projects Development Engineer  
Jack Wood, MHD, District 4 Planning  
Michael Karas, MHD, District 4 Traffic Operations  
David Anderson, MHD, District 4 Projects  
Anne Fanton, <sup>former</sup> Selectman, Town of Acton  
Richard Crosswell, Planning Board, Town of Acton  
Judy Walpole, Selectman, Town of Concord  
Gail B. Jewell, Planning Board, Town of Concord  
Dilla Tingley, Planning Board, Town of Lincoln

Efi Pagitsas began the meeting by going over the draft scope and schedule of the Route 2 Corridor Feasibility Study. There were questions as to how the forecast years of 2000 and 2020 were arrived at. Dan Beagan explained that the build year of 2000 is the most optimistic forecast for the improvements to be implemented while the year 2020 is the expected life span of the project. He pointed out that when the study reaches "Task 7" they will work with the towns to come up with improvement alternatives that will be developed into "improvement package scenarios." He said that this should be accomplished after the preferred option for Crosby Corner is selected.

Dan explained that the study must follow the steps in accordance with the Major Transportation Investment Analysis (MTIA). He said that at this time it is important that the towns understand that there must be confirmation that the design will provide for the existing four lane cross section along Route 2. If additional lanes are going to be proposed, then a different process will be necessary according to MTIA.

A discussion followed where <sup>some</sup> town members suggested that the study might include other scenarios such as an additional third lane in each direction or non highway solutions such as improvements to the commuter rail. Efi recommended that the towns meet separately in order to be sure that there is consensus as to what the focus of the study should be. Efi and Dan explained that in order to include a commuter rail alternative, a different model would be necessary that looks at the corridor

versus commuter rail improvements. Dan said that there is a study looking at the commuter rail and he could bring someone in that is involved in the study to reassure the towns. *It was agreed that the purpose of the CAC was to improve Route 2. as*

There were questions about what the model will show regarding traffic off of Route 2, especially linked trips for cross town movements. Efi said that the study will show traffic entering and leaving the study area along the corridor but won't show where traffic comes from or goes to beyond the study area.

Next there was a discussion about the schedule of the feasibility study. CTPS plans to start in February 1995, and expects to do traffic counts in March and April. Kojo predicted that there will be a decision on the preferred alternative for the Crosby Corner Project by June of 1995 at which time the Draft Environmental Impact Report (DEIR) will be prepared beginning the formal process. The towns will have the opportunity to see and comment on the alternatives at the CAC meetings prior to the preferred alternative decision.

Anne said that the towns will be working separately for presenting alternatives for improvements. Kojo cautioned that it is important that an improvement in one town does not result in problems in a neighboring town. The state cannot tell towns how to plan for our improvements. Anne said that the towns are in agreement for planning future development. Kojo said that some improvements may result in the necessity of closing access that may affect property values in another town. Dan suggested that the towns tell what is unacceptable. Efi said that sometimes towns have M.O.U. agreements that rule no adverse effects on another town.

Dan said that the towns do not have to accept the scope immediately, but should send a letter accepting the scope by the end of July. He feels that it is broad enough to accommodate what the towns can agree to. He also pointed out that the scope can change. *All town members agreed that the scope was acceptable as presented and should move forward.*

Dave Anderson gave an update of the Route 2 resurfacing projects. He explained that two separate projects are proposed and the limits were shown on handouts the were distributed. The first project is a one mile section between Bedford Road and Crosby Corner. The project will consist of 2 inches of coldplaning with a 2 inch overlay. The District Environmental Engineer has met with the Lincoln Conservation Commission to discuss drainage work near Brooks Road to be done as part of the resurfacing project. An Order of Conditions has been issued for this work. The project should be advertised in a couple weeks with construction to be done this fall at the earliest.

The second resurfacing project will fill in the gaps between recently completed projects from Crosby Corner to the Acton

townline, including the Concord Rotary. Right now there are problems coming up with an adequate traffic management plan. This project may be advertised this fall but construction will probably begin next spring and should take two to three months to complete. The timing for awarding both contracts is dependent on the availability of funds from this year's Bond Bill which has yet to be passed.

Dilla asked whether there would be signs to announce when the projects would start. Dave said that there will be notices in the newspapers and town officials will be invited to the preconstruction conferences. There will be advanced warning signs placed along the roadways to alert drivers of the construction ahead.

Mike Karas gave an update of the Five Location - Traffic Signal Improvement Project. Copies of VHB's meeting notes (April 7, 1994) were distributed. Some of the actions taken as a result of the meeting: an Extra Work Order to replace controllers for signals at the intersections of Route 62 and Old Road to Nine Acre Corner (ORNAC), phasing split for side street approaches at the Route 126 intersection to allow for left turns, loop detectors to be installed along the mainline and side streets for full actuation at the Sudbury Road intersection, and the "No Turn on Red" sign to be removed at Baker Ave. Gail asked about the decision not to provide a pedestrian crosswalk at the Sudbury Road intersection. Capacity versus safety was the major factor for this design.

The date for the next meeting was set for Thursday, September 22 at 8:00 a.m. The agenda will include updates on: the Route 2 Corridor Feasibility Study, the Route 2 resurfacing projects, and the Crosby Corner Improvement Project.

JRW/jw

State Transportation Building  
Ten Park Plaza, Suite 2150  
Boston, MA 02116-3968  
(617) 973-7100  
Fax: (617) 973-8855  
TDD: (617) 973-7089

James J. Kerasiotes  
MPO Chairman

**MEMORANDUM**

**DATE:** August 4, 1994

**TO:** Sub-Signatory Committee of the  
Metropolitan Planning Organization

**FROM:** Daniel Beagan  
MPO Executive Secretary

**RE:** Work Program for Route 2 Long Range Corridor Planning Study

**Action Required**

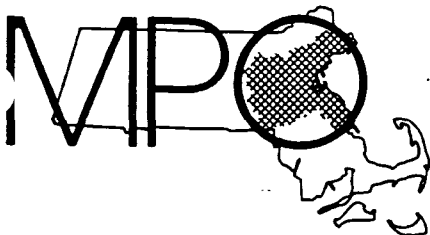
Review and approval

**Requested by**

Arnold Soolman  
CTPS Director

**Project Identification**

1. Unified Planning Work Program Classification  
Element: 13 Long Range Transportation Planning  
Task: 01 Travel Operations Analysis
2. CTPS Project Number: 62209
3. Client
  - Agency: Massachusetts Highway Department
  - Project Supervisor: Kojo Fordjour
4. CTPS Project Supervisors:
  - Principal: Efi Pagitsas
  - Manager: Linda Pehlke
5. Funding:
  - Massachusetts Highway Department



The MPO members:  
Executive Office of Transportation & Construction,  
Commonwealth of Massachusetts  
Massachusetts Highway Department  
Massachusetts Bay Transportation Authority  
Massachusetts Bay Transportation  
Authority Advisory Board  
Massachusetts Port Authority  
Metropolitan Area Planning Council

## **Background**

The Massachusetts Highway Department (MHD) has been actively pursuing improvements to Route 2 between its intersection with Route 128 and the Cambridge Turnpike intersection, known as Crosby's Corner. Recently, several safety improvements on this segment of Route 2 have been completed. In addition, a design for improving the Crosby's Corner intersection with a grade separation is being developed by MHD and will be submitted for Environmental Review in 1994 or 1995. CTPS is currently developing the travel demand forecasts for use in the design of this project.

MHD had previously begun work on assessing potential long range improvements for Route 2 between Route 128 and Route 111 in Acton. A work scope had been approved by the SSC in April 1990 entitled "Work Program to Examine the Feasibility of Operational Improvements on Route 2 in Lincoln and Concord including the Bedford Road intersection through the Route 111 Interchange". However, since that time MHD has made the improvement of the Crosby's Corner intersection an immediate priority and therefore separated the support work for that project into its own specific work effort. In response to this shift in priorities, a work scope entitled "Work Program to develop Traffic Forecasts and Operational Analyses to Support the Crosby's Corner EIR/EIS" was approved by the SSC in August 1992. This work is currently underway.

In addition to the recent safety improvements and the Crosby's Corner grade separation project, the MHD and the study area communities remain committed to evaluating potential long range improvements to the Route 2 corridor. This work scope is in response to that commitment. The study area for this project is the Route 2 corridor between Route 128 and the Acton/Littleton town line.

## **Objective**

The objectives of this work are: 1) to assist the MHD in identifying existing and future traffic operation deficiencies on Route 2 within the study area; 2) to develop potential long range improvements to address those deficiencies and 3) to complete a preliminary assessment of the feasibility, efficacy and impacts of those potential improvements.

In order to achieve these objectives, CTPS will develop 1995, 2000 and 2020 peak hour travel demand forecasts for the Route 2 study area. These travel demand forecasts will then be utilized to assess existing and future year travel operations for both existing roadway conditions and potential improvement alternatives. 1995 will be the base year for the project, representing existing conditions. Year 2000 forecasts will be developed for the purpose of assessing travel conditions at the time of project completion. 2020 forecasts will be used to assess the function of the project after 20 years of operation.



## **Previous Work**

As stated above, a Route 2 travel demand model and travel demand forecasts have been developed by CTPS for use in assessing design alternatives for the Crosby's Corner grade separation project. For that project, the model was calibrated to 1992 conditions, with 1998 and 2020 being the forecast years. The modeled area encompasses the towns of Acton, Bedford, Concord, Lexington, Lincoln and a portion of Burlington. Prior to the Crosby's Corner modeling effort, CTPS has previously used this model for the Hanscom Field Generic EIR for Massport, as well as the Lincoln Laboratory Employee Relocation Study. In addition, model outputs were utilized to assist the MHD with an initial assessment of design alternatives for the Crosby's Corner project prior to pursuing the current, more detailed design development.

## **WORK DESCRIPTION**

### **Task 1 - Field Data Collection**

A. 1995 Traffic Counts - Several key intersections and mainline locations will be counted during the AM and PM peak periods (15 minute counts) or for 24 hour periods (for mainline internal and external count locations). These counts will be compared to 1992 counts and volumes will be adjusted and or re-balanced accordingly.

B. Intersection Geometry and Signal Functioning - Field surveys will be completed to confirm the most current intersection geometries and signal operations for use in the level of service analysis of existing conditions at the Route 2 signalized intersections included in this study.

### **Products**

1. 1995 AM and PM peak hour traffic volumes for all intersection and mainline count locations in the travel demand model which have 1992 volume data.

2. Detailed descriptions of intersection geometry and signal operation, of sufficient detail for use as inputs to Level of Service analyses.

### **Task 2 - Update Travel Demand Model**

A. Update Model Parameters - The existing Route 2 model is calibrated to 1992 traffic volumes and network characteristics. New traffic counts will be used to update existing traffic volumes to 1995 conditions. These new volumes will be input into the travel demand model. New base year traffic analysis zone level socio-economic data will be developed for input into the travel demand model. 1995 socio-economic

conditions will be developed based on knowledge of land use and employment changes occurring between 1992 and 1995. Changes in roadway conditions which have occurred since 1992 which warrant network reconfiguration will be incorporated into the model as well.

**B. Re-Calibrate Model to Existing Conditions -** After completing the update of model parameters, the travel demand model will be re-calibrated to replicate existing travel demand conditions to the best level of accuracy possible.

### **Products**

1. Completed 1995 model data set. Including: 1995 network characteristics, 1995 traffic count volumes, 1995 traffic analysis zone socio-economic data and 1995 24 hour external volume estimates.
2. 1995 origin/destination trip table for Route 2 model.
3. 1995 travel demand assignments for both the AM and PM peak hours.

### **Task 3 - Assessment of Existing Conditions**

**A. Analyze Traffic Operations at Intersections and on Mainline -** Base year level of service analyses will be performed for signalized and unsignalized Route 2 intersections within the study area. Mainline roadway capacity deficiencies will be identified as well, based on estimated volume to capacity ratios.

**B. Identify Existing Roadway and Intersection Deficiencies -** Based on the above outlined analyses, as well as field observation and locally identified problem locations, existing deficiencies will be identified.

### **Products**

1. Level of Service measures for each signalized and unsignalized Route 2 intersection within the study area.
2. Detailed description of existing travel operation deficiencies.

### **Task 4 - Develop 2000 and 2020 Socioeconomic and 24 Hour Traffic Volume Forecasts**

**A. Develop Socio-Economic Forecasts for Years 2000 and 2020. -** MAPC's 2000 and 2020 town level population and employment forecasts will be used as control totals for the traffic analysis zone level forecasts. Proposed new developments will be

identified through consultation with local planning officials. Further refinement of future year socio-economic forecasts will be completed based on current data, projected new growth and an evaluation of recent socio-economic trends.

B. Estimate Future Year 24 hour Traffic Volumes at External Traffic Zones. - Socio-economic forecasts for the communities surrounding the study area will be used as inputs to future year 24 hour external volume estimates.

#### **Products**

1. Traffic Analysis Zone forecasts of Households, Employment and Income for 2000 and 2020.
2. 24 Hour Traffic Volume forecasts for each external zone.

#### **Task 5 - Develop Future Year Trip Tables and Travel Demand Assignments**

A. Generate Future Year Trip Tables. - Future year origin/destination trip tables for the AM and PM peak hours will be developed for the years 2000 and 2020, using the above developed socio-economic forecasts and 24 hour traffic volume forecasts.

B. Develop AM and PM Peak Hour Travel Demand Assignments for 2000 and 2020. - Future year trip tables will be assigned to the future year "No-Build" network to determine future year travel demand forecasts. The "No-Build" future network must include the preferred improvement alternative for the Crosby's Corner improvement project. Therefore, completion of this task is dependent upon agreement as to the preferred design alternative.

#### **Products**

1. Future year Origin/Destination Trip Tables.
2. Future year No-Build Travel Demand Assignments.

#### **Task 6 - Analysis of Future Year Conditions**

A. Assess Impacts on Travel Flow Volumes and Travel Paths.- Future year volumes will be posted as well as determining the degree of traffic growth and travel path changes likely to occur under future year conditions.

B. Analyze Future Year Traffic Operations at Intersections and on the Mainline.- Level of service analyses will be completed for both the AM and PM peak hours for both future years 2000 and 2020.

**C. Identify Potential Future Year Deficiencies.-** Utilizing above identified analysis results, identify intersection and mainline capacity deficiencies, in terms of travel delay, intersection delay and potential travel path diversions.

**Products**

1. Level of service analyses, turning movement volumes and queue length information for each of the relevant study area intersections.
2. Detailed description of potential future year deficiencies and travel path diversions likely to occur.

**Task 7- Identify and Test Future Year Improvement Alternatives**

**A. Identify Potential Improvement Alternatives -** Work with the MHD, their consultants, and local elected or appointed representatives to identify locally desirable improvement alternatives, in light of existing and forecast deficiencies. Improvement alternatives will include capacity and travel operations improvements, as well as an assessment of the potential application of Travel Demand Management, and Transportation System Management techniques. Progress on this work task is dependent on completion of work currently underway, in that improvement alternatives within the Route 2 corridor cannot be identified or analyzed until a preferred alternative for the Crosby's Corner grade separation improvement project is finalized.

**B. Develop Future Year Networks to Replicate Proposed Improvement Alternatives.-** It is anticipated that several improvement packages will be developed and tested. Packaging is necessary to replicate both a range of improvement possibilities and to assess the combined effect of those improvements designed to or likely to be combined. The preferred Crosby's Corner alternative must be included in each improvement package.

**C. Develop Travel Demand Forecasts for Several Improvement Package Scenarios.-** In response to expected future conditions, several "packages" will be developed which logically combine a number of proposed improvements. If necessary, a total of four different improvement packages (one of them being the "No-Build" alternative) will be developed. Future year trip tables and travel demand forecasts will be developed for each of the improvement packages.

**D. Analyze Travel Operation Conditions for Improvement Packages -** Level of service analyses, as well as significant travel flow changes will be identified and assessed for each of the proposed improvement alternatives.

## **Products**

1. Several "packages" (maximum total of four) of alternative transportation improvements for the Route 2 corridor within the study area.
2. Future year networks replicating proposed alternative improvement packages.
3. Future year trip tables for the AM and PM peak hours for each of the proposed improvement packages.
4. Future year travel demand forecasts for each of the proposed alternative improvement packages for both the AM and PM peak hours.
5. Level of service, capacity and flow change analyses for each of the improvement alternative packages.

## **Task 8 - Development of Improvement Recommendations**

1. Develop a "Preferred Improvement Alternative Scenario".- Based on the analysis results and input on desirability and feasibility from both the MHD and local citizens, a preferred improvement alternative will be developed and presented.
2. Develop Recommendations Concerning Potential Fall Back Options.
3. Develop a Phasing Scheme for Corridor Improvements.- Determine if a phased improvement approach is desirable, and if so what that phasing should be.

## **Products**

1. Recommended Improvement Package. (Described both graphically and verbally).
2. A proposed fall back improvement alternative option. (If necessary)
3. An improvement phasing plan.

## **Task 9 - Documentation & Report Preparation**

1. Document Data Collection Procedures and Results.- Staff will write a technical memorandum for the files, which details the specific procedures and results of all data collection completed for this project. This is necessary to allow for "tracing" vital information in the event of questions about sources or accuracy of information.

2. Document Forecasting Procedures and Results.- Staff will write a technical memorandum for the files.

3. Document Network Coding Procedures and Results.- In order to translate a conceptual design alternative into a "testable" scenario, changes must be made to network link attributes. These are often "surrogates" for physical changes and therefore require technical judgment. Therefore, it is necessary to document this process so future work on the project can be effectively pursued.

4. Produce Report.- A report summarizing procedures, findings and recommendations of study will be written.

### **Products**

1. Technical memorandum(s) to files.
2. Route 2 Corridor Planning Study Report

## SCHEDULE

The schedule of completion for this study is a function of the schedule of MHD and its consultant. Development and testing of improvement alternatives cannot proceed until a preferred improvement alternative for Crosby's Corner has been finalized. As an initial estimate CTPS will complete the project work within 24 calendar months from the first month of activity. This schedule reflects the time frame within which each of the tasks will be completed and does not necessarily reflect continuous staff time commitment. For an estimate of person weeks necessary for each task, refer to the cost estimate on the following page.

WORK TASK	MONTHS																							
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
1. Data Collection	X	X	X	X																				
2. Update Model				X	X	X																		
3. Assess Existing							X	X																
4. Forecasts							X	X	X															
5. Future Tables							X	X	X															
6. Assess Future										X	X	X	X											
7. Alternatives													X	X	X	X	X	X						
8. Recommendations																				X	X			
9. Memos & Report																			X	X	X	X	X	X

PRODUCTS	MONTHS																							
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
1. 1995 Volumes				X																				
2. Intersection Data				X																				
3. 1995 Model Data				X																				
4. 1995 Tables					X																			
5. 1995 Operations						X																		
6. Model Inputs							X																	
7. Future Tables							X																	
8. Future Operations												X												
9. Alternatives																		X						
10. Improv. Analysis																					X			
11. Recommendations																					X			
12. Memos & Report																								X

## **ESTIMATED COST**

### **Professional Staff**

Staff Level	Person Weeks	Direct Salary	Overhead (91.9%)	Total
TM-1A	3	\$3,687	\$3,388	\$7,075
TM-1	15	16,587	15,243	31,830
TP -4	65	58,500	53,762	112,262
SP	15	10,875	9,994	20,869
Intern	8	3,200	2,941	6,141
Staff Totals	106	\$92,849	\$85,328	\$178,177

### **Other Project Costs**

Travel	100
Printing, Mailing	200
Traffic Count Data	10,000
Other Costs Total	\$10,300

<b>Project Total Cost</b>	<b>\$188,477</b>
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ANNE B. FANTON  
43 FORT POND ROAD  
ACTON, MASSACHUSETTS 01720

August 15, 1994

Mr. Daniel Beagan, Director  
Bureau of Transportation Planning & Development  
Chairman of Route 2 Corridor Advisory Committee (CAC)  
Executive Office of Transportation & Construction  
Ten Park Plaza, Room 4150  
Boston, MA 02116

Dear Dan:

The Route 2 CAC representatives from the Acton, Concord and Lincoln Town boards met recently to reaffirm our commitment to the CAC process and our common goals for Route 2 improvements. We support the "Work Program for the Route 2 Long Range Corridor Planning Study," as presented at the last CAC meeting, and the CAC's continued focus on improvements to Route 2.

We appreciate your leadership and your involvement in the CAC. As you know, the next CAC meeting is scheduled for Thursday, September 22 at 8:00 a.m. We would like to keep the meeting in September, since we meet only once a quarter, however, we can reschedule if you become aware of a conflict. I will contact Jack Wood of Highway District 4, after Labor Day, to reconfirm the meeting date.

The CAC members asked me to request that the September 22 meeting include three specific items on the agenda, as follows:

1. The existing plans (designs) for long-term improvements to Crosby's Corner. This subject has been at the end of our agenda for several meetings and we would like to spend more time reviewing and discussing it.
2. A report and further discussion of the Traffic Signal Improvement Project. CAC members agreed that signal timing is critical to the traffic flow on the existing roadway.
3. The Long Range Corridor Planning Study. We need further clarification on the timetable for the modeling, the exact products that we can expect from you, and your expectations for input from the towns, i.e. the identification of alternatives to be tested. We would also like to know what additional information will be needed from the towns and if there are specific problems with the information that we have already provided.

Finally, I am writing to you as the informally appointed "coordinator" for the Route 2 CAC. I did not run for re-election to the Acton Board of Selectmen this year. However, with the agreement of our Selectmen and Planning Board, as well as the other Towns' representatives, I

am continuing to coordinate the CAC in order to provide some continuity. Four Acton board members, with two of them serving as alternates, will participate in the CAC meetings.

After more than 20 years of indecision and little action on this stretch of Route 2, we are encouraged by the CAC process. Through continued cooperation, it is our goal to see real improvements made to this dangerous highway corridor. Thank you again for working with us on this important project.

Sincerely,

Anne Fanton

cc. CAC Town Members  
Jack Wood, MHD, District 4 Planning  
Bob McDonald, MHD, District 4 Projects Development Engineer  
Kojo Fordjour, MHD, Environmental Division  
Michael Karas, MHD District 4 Traffic Operations  
Efi Pagitsas, CTPS



cc: BOS

*Town Manager*

## PLANNING BOARD • Town of Acton

472 MAIN STREET ACTON, MASSACHUSETTS 01720 TELEPHONE (508) 264-9636

RECEIVED & FILED

DATE August 23, 1994 11:20 AM

*Michael Powell*  
TOWN CLERK, ACTON

DECISION  
(94-10)

### PCRC SPECIAL PERMIT

### NEW VIEW NEIGHBORHOOD DEVELOPMENT (New View Development Corporation)

August 22, 1994

DECISION of the Acton Planning Board (hereinafter the Board) on the application of New View Development Corporation (hereinafter the Applicant) for property located in Acton, MA at 344 Central Street and 3 Gregory Lane. The property is shown on the 1994 Acton Town Atlas Map E-2, Parcel 239 (owned by Richard Sisson), and Map F-2A, Parcel 11-1 (owned by New View Development Corporation). Both parcels are referred to herein as the Site.

This DECISION is in response to an application for a Planned Conservation Residential Community (PCRC) Special Permit, including an affordable housing component, by New View Neighborhood Development, dated June 17, 1994 and received by the Acton Planning Department on June 20, 1994 pursuant to Section 9 of the Acton Zoning Bylaw (hereinafter the Bylaw) and the PCRC Special Permit Rules and Regulations (hereinafter the Rules).

The Applicant presented the Plan to the Board at a duly advertised public hearing on August 1, 1994 at the Acton Town Hall. Board members Joshua Chernin, Richard Croswell, David Hill, James Lee, Greg Niemyski, John Pavan and William Shupert were present throughout the proceedings. The Applicant was assisted in the presentation by members of the consultant team shown in the application documents. The record of the proceedings and documents upon which this decision is based may be referred to in the Office of the Town Clerk or in the Planning Department.

### EXHIBITS

Submitted for the Board's deliberation were the following exhibits:

EXHIBIT 1 A PCRC Site Plan entitled "New View Neighborhood Development, 344 Central Street, West Acton, Massachusetts, Planned Conservation Residential Community Application", consisting of the following 37 sheets:

Title Sheet -	dated June 1994.
Master Plan Sheet MP 1-1	dated June 20, 1994, prepared by

Record Plan Sheets RC 1.1-1.4 -	Charles G. Samiotes, PE, Inc. dated June 17, 1994, prepared by Due North Land Surveying Services.
Exist. Conditions Plan Sheets EX 1.1-1.2 -	dated June 20, 1994, prepared by Charles G. Samiotes, PE, Inc.
Site Development Plan Sheets CE 1.1-1.2 & CE 2.1-2.2 -	dated June 20, 1994, prepared by Charles G. Samiotes, PE, Inc.
Sedimentation & Erosion Control Plan Sheets CE 3.1-3.2 -	dated June 20, 1994, prepared by Charles G. Samiotes, PE, Inc.
Street Plan and Profile Sheets CE 4.1-4.4 -	dated June 20, 1994, prepared by Charles G. Samiotes, PE, Inc.
Site Details Plan Sheets CE 5.1-5.3 -	dated June 20, 1994, prepared by Charles G. Samiotes, PE, Inc.
Landscape Plan Sheets LA 1.1-1.2, LA 2.1-2.2 & LA 3.0 -	dated June 20, 1994, prepared by Elena Saporta Landscape Architect.
Architectural Plans ARCH 1-11 -	dated June 20, 1994, prepared by Amacher Quinn Architects, Inc.

**EXHIBIT 2** Supplementary Documentation required by the Rules consisting of the following:

- a) A properly executed application form for a PCRC Special Permit.
- b) A completed development impact report.
- c) A certified abutters list.
- d) A use description, including a plan for uses on the common land.
- e) A list of other permits required.
- f) Recorded plans and deeds for the site.
- g) A letter authorizing Town representatives to enter onto the Site to complete any work if developer fails to do so.
- h) A list of mortgage holders.
- i) Drainage calculations.
- j) Earth Removal Calculations.
- k) Water Balance Calculations.
- l) A traffic study.
- m) Additional information consisting of a proposal to provide affordable housing.
- n) Application to the Board for an amendment of the Gregory Lane Open Space Development Special Permit, along with a proposed Approval Not Required plan showing the division of Lot 3 in Gregory Lane.

**EXHIBIT 3** A letter dated 6/27/94 from Peter S. Quinn of Amacher Quinn Architects, Inc. to Acton Fire Chief Robert Craig regarding fire safety measures.

**EXHIBIT 4** Reviews and comments by Town staff and other boards and committees: Acton Water Supply District, dated 6/30/94; Acton Building Commissioner, dated 7/11/94; Acton Historical Commission, dated 7/13/94 & 3/20/94; Acton Tree Warden and Municipal Properties Director, dated 7/18/94; Acton Fire Chief, dated 7/19/94; Acton Town Planner, dated 7/19/94; Acton

Community Housing Corporation, dated 7/22/94; Acton Engineering Administrator, dated 8/1/94;

EXHIBIT 5 Other letters and memorandums as follows:

Town Planner to Planning Board regarding a sidewalk on Central Street, dated 4/25/94; Town Manager Office to Planning Department regarding the waiver of fees, dated 6/8/94; Robert Engler to Town Planner waiving the 21 day time limit concerning the Approval Not Required plan for Lot 3 in Gregory Lane, dated 6/23/94; Robert Engler to Town Planner regarding the affordable proposal, dated 7/21/94.

EXHIBIT 6 All application materials, reviews, comments and various correspondences relative to the first application by New View Development Corporation, received by the Town on February 17, 1994 and withdrawn by the Applicant on June 6, 1994.

EXHIBIT 7 Certified mail return receipts for notices sent to parties in interest.

EXHIBITS 1 through 3 are referred to herein as the Plan.

## 1 FINDINGS AND CONCLUSIONS

Based upon its review of the exhibits and the record of the proceedings the Board finds and concludes that:

- 1.1 The Plan shows 24 housing units plus one common house on 17.5 acres of total land area. Two units would be located inside an existing old farm house on the Site. Common land comprises 11.23 acres or 64.2% of that total.
- 1.2 The Applicant proposes the inclusion of affordable housing in accordance with the provisions of the Bylaw. Therefore the proposed density is permitted.
- 1.3 The Plan shows Site access from Central Street and approximately 2100 feet of streets and ways to be built to various widths and standards. The main entry street from Central Street to the street projection connecting to the Mead land is shown at a width of 22 feet, the remainder of the streets and ways is proposed at a width of 12 to 20 feet. In addition there will be numerous walk ways and several parking lots.
- 1.4 The proposed streets on the Site will not be approved under the Subdivision Control Law and their design is not in compliance with several of the requirements of the Acton Subdivision Rules and Regulations. Approval of a street or way under the Subdivision Control Law customarily is a prerequisite to acceptance of a street as a public way. The Applicant proposes that all streets and ways will remain in private ownership.
- 1.5 The Board has requested and the Applicant has agreed to show a future street connection to the Mead property. To secure this connection in the long term the Applicant should provide covenants assuring future street access over the Site to the Mead land.
- 1.6 The project includes a 2 acre portion of lot 3 in the previously approved Gregory

Lane Open Space Development located adjacent to the Site. The Applicant has applied for a modification of the Gregory Lane Open Space Development Special Permit in order to allow the inclusion of that portion into the New View Neighborhood Development. The Board held a public hearing on said modification concurrently with the public hearing held on the application which is the subject of this decision. The decision on the requested Gregory Lane modification is being issued concurrently with this decision in a separate document.

- 1.7 The Engineering Administrator advises that the record plan as shown is extremely difficult to read and to understand.
- 1.8 The main entry road has not been named and the street sign location is not shown on the Plan.
- 1.9 The Plan does not show any street addresses for the units and the common house.
- 1.10 Note 6 on sheet CE 1.1 conflicts with the pavement designs (gravel & pavement thickness) shown on sheet CE 5.1.
- 1.11 The Engineering Administrator advises that detail 1 on sheet CE 5.3 is unsatisfactory and that installation notes should be added.
- 1.12 The Plan is missing the required clay lining for the retention basins.
- 1.13 The street cross-section details conflict with the widths shown on the street plans.
- 1.14 As shown the turn in and out of the street projection to the Mead land, if built, will be impossible to negotiate for SU-30 design vehicles. Also, given the slopes in area substantial grading may be necessary to accomplish the connecting street construction.
- 1.15 It is unclear where street cross-sections A and B are to be used.
- 1.16 The water budget analysis in the application package was missing the description of post-development conditions. It was submitted at the public hearing.
- 1.17 Unit 11 is shown as partly within the 30 foot common land set back.
- 1.18 The 30 foot building setback is not labelled on the record plan.
- 1.19 The plan does not contemplate future additions or changes to buildings. To streamline the construction process as well as the approval process of future additions, the Record Plan should be revised to show maximum building envelopes for the dwelling units within which additions and changes would need no further approval by the Board.
- 1.20 The Applicant has failed to submit complete record documents governing the use, ownership and maintenance of the common land and other common facilities such as streets and ways and the common house, as required in Section 3.5 of the Rules. Only a summary was provided.
- 1.21 A sidewalk along Central Street would best be located on the easterly side of Central Street. A sidewalk along the project frontage on the westerly side of Central Street as shown on the Plan would be obsolete.

- 1.22 As shown, the bottom elevations of detention basin B-6 and retention basin B-3 appear to be in violation of Section 4.3.5.3 of the Bylaw, which requires a minimum 2 foot separation to the maximum groundwater table.
- 1.23 The Fire Chief has concerns about the adequacy of access, particularly to units 19, 20, 21, 7, 8, and 9, and has indicated that he will require a street fire alarm box, one additional hydrant, and an automatic alarm system with annunciation and master box in the common house.
- 1.24 The Applicant has suggested a winter trail easement from Central Street to the adjacent Cacciatore Conservation Land. In fact the trails on this land are used on a year round basis. Year round access from Central Street in the project location would greatly improve access to the Cacciatore land.
- 1.25 The landscape plan proposes to preserve numerous existing trees. Extreme care must be taken if their preservation is to be successful amidst all the construction activity.
- 1.26 The Plan shows two skylights to be installed on the front side of the existing building. The Historical Commission advises that they would be inconsistent with the colonial character of the building.
- 1.27 The Board is concerned about initial and potential chronic erosion in the steeper sections of the proposed drainage swales. The Plan does not appear to address this concern. While the detail sheets show a velocity reducing device, the Plan fails to show where they will be installed and how many of these devices will be installed.
- 1.28 The Landscape Plan shows trees and shrubs to be planted in areas that appear reserved for the drainage swales.
- 1.29 The Applicant stated at the hearing that individual households will handle their own trash as any other household in Acton. However there are no provisions for trash and refuse generated in the proposed common house.
- 1.30 In the unfortunate event that the Applicant should fail to finish the project, the site could be left scarred with partially completed roadways and unprotected soils. As with most other development projects, a performance guarantee to secure outstanding construction is appropriate and necessary.
- 1.31 The proposed development has a measurable impact on traffic conditions in the Site's vicinity. The proximity of the Site to the West Acton Village area makes it likely that residents in the development will walk or bike to the village. Under these circumstances the Board finds it necessary that a sidewalk be constructed as part of the project linking the Site to the West Acton Village center.
- 1.32 The Applicant proposes one on-site affordable housing unit and the donation of \$100,000.00 to the Town for an additional affordable unit off-site. This scheme has been negotiated between the Applicant and the Acton Community Housing Corporation (ACHC), and the ACHC has recommended it to the Board. The proposed on-site unit would be a two bedroom Type A unit as shown on the Plan. The Bylaw, in Section 4.4, sets forth specific requirements concerning the initial and long-term affordability and the conditions for sale and resale of any affordable units generated under its provisions. These must be adhered to at all times.

- 1.33 The Acton Water Supply District has certain specifications and requirements concerning the installation of water mains and service connections.
- 1.34 Real estate taxes are past due on the land for which this development is proposed.
- 1.35 The proposed affordable housing scheme is the absolute minimum that is required to meet the numeric density requirement of the Bylaw. Also, the \$50,000.00 contribution for the Central Street sidewalk is budgeted tightly. Therefore, it is appropriate to seek additional contributions in the event that contingency funds remain upon completion of the project.
- 1.36 Unit 4 does not comply with the 15 foot minimum setback guideline to the loop road. This smaller setback is appropriate in the context of the overall Plan and therefore will not detract from the purpose and intent of a PCRC. Therefore, in accordance with Section 9.6.2.2, the location of unit 4 is hereby approved as shown on the Plan.
- 1.37 For areas not heavily travelled by motorized vehicles, the Plan shows a method of treatment and renovation of surface water runoff that is different from the standard method described in the Bylaw. Given the context of the plan and the location where the alternate methods are proposed, these alternatives meet the intent of the Bylaw and are hereby approved in accordance with Section 4.3.6.3.
- 1.38 The "New View Neighborhood Development" PCRC, as modified herein, complies in all respects to the applicable requirements of the Bylaw and enhances the purpose and intent of Planned Conservation Residential Community development.
- 1.39 The "New View Neighborhood Development" PCRC, as modified herein, is in harmony with the existing and probable future uses of the area and with the character of the surrounding area and neighborhood.
- 1.40 The "New View Neighborhood Development" PCRC, as modified herein, is consistent with the Master Plan, in harmony with the purpose and intent of the Bylaw and appropriate for the site in question. It complies with all applicable requirements of the Bylaw and will not be detrimental or injurious to the neighborhood in which it is to take place.

## **BOARD ACTION**

Therefore, the Board votes to **GRANT** the PCRC Special Permit, subject to and with the benefit of the following plan modification, conditions and limitations:

## **2 PLAN MODIFICATIONS**

Prior to the issuance of a building permit or any work on the site, the Plan shall be modified as follows. All modifications are subject to the approval by the Board or its designee. Where approval from others are indicated or implied, the Applicant shall provide evidence of such approval:

- 2.1 Amend the record plan to be more easily understood and used, as requested by the Engineering Administrator in his 8/1/94 review comments.



- 2.2 Show a street name for the entry road, and the location at Central Street for a street and private way sign. The street name must be approved by the Acton Fire Chief.
- 2.3 Show street addresses assigned to each of the units and the common house. The street number plan shall be approved by the Engineering Administrator.
- 2.4 Revise note 6 on sheet CE 1.1 to reflect the pavement designs (gravel & pavement thickness) shown on sheet CE 5.1.
- 2.5 On sheet CE 5.3, correct the detail to actually show a LeBaron L-219 hood and specify that the hood must be installed as the catch basin is built, not after, and that the pipe must be connected on the outside of the structure. Final specification must be approved by the Engineering Administrator.
- 2.6 Show and specify the required clay lining for the retention basins.
- 2.7 Amend the street cross sections on the detail sheets to note that the street width varies as shown on the street plan.
- 2.8 Relocate or otherwise modify the intersection of the Mead land access projection with the main entry street to accommodate turns by SU-30 design vehicles. Add 10 foot wide slope, utility and construction easements on both sides of the projection.
- 2.9 Clarify where street cross-sections A and B are to be used.
- 2.10 Adjust the Plan to comply with Bylaw requirements, as may be necessary following the Engineering Department's review of the complete water budget analysis showing both pre- and post-development conditions.
- 2.11 Relocate unit 11 to be entirely outside the 30 foot common land set back line.
- 2.12 Identify with appropriate label the 30 foot building setback line to common land on the record plan.
- 2.13 On the record plan, show maximum building envelopes for the dwelling units. The perimeters of the building envelopes shall not further encroach on the setback and separation requirements of Section 9.6.2.2 of the Bylaw. Modifications, additions and expansions of buildings, decks, garages, porches and other portions of a building, attached or detached, which are located within said building envelopes shall be considered approved hereunder and shall not require further approval from the Board.
- 2.14 Submit record documents governing the use, ownership and maintenance of the common land and other common facilities such as streets and ways and the common house, as required in Section 3.5 of the Rules.
- 2.15 Remove from all plan sheets the sidewalk shown along the Central Street frontage of the Site.
- 2.16 Show evidence that the bottom elevations of detention basin B-6 and retention basin B-3 meet the minimum 2 foot separation to the maximum groundwater table as required in Section 4.3.5.3 of the Bylaw.

- 2.17 Show improved access to units 19, 20, 21, 7, 8, and 9 as requested by the Fire Chief.
- 2.18 Show a street fire alarm box in a location approved by the Fire Chief.
- 2.19 Show additional fire hydrants as required by the Fire Chief.
- 2.20 Specify on the Plan that the common house shall have an automatic alarm system with annunciation and master box.
- 2.21 On the record plan show a year round-trail easement above the wetlands boundary to allow foot traffic access between Central Street and the Cacciatore Conservation Land.
- 2.22 On the Site Development Plan sheets show all trees which according to the landscape plan are to be preserved and add a note that no ground disturbances, including equipment and materials storage, shall occur within the drip lines of these trees.
- 2.23 Add note to the landscaping plans, that tree wells or other grade changes must occur outside of drip line of existing trees which are to be preserved.
- 2.24 On plan sheets ARCH 6 & 7, remove or relocate the skylight windows from front elevation of unit E 1.
- 2.25 Clarify on Site Development Plan how the drainage swales, particularly in the steeper sections, will be protected from erosion. Specify where velocity reducing devices (detail 4 on sheet CE 5.1) shall be installed.
- 2.26 On the Landscape Plan sheets remove or relocate any proposed trees or shrubs currently shown to be located in the drainage swales.
- 2.27 Show the common house dumpster location with screening.

### 3 CONDITIONS

The following conditions of this approval shall be strictly adhered to. Failure to adhere to these conditions shall render the approval of this PCRC Special Permit null and void without force or effect:

- 3.1 No wood framing of buildings on the Site shall occur until adequate access and services to such buildings have been provided. Adequate access shall mean the installation of streets and ways to the buildings to be constructed, as shown on the approved Plan up to and including the first course of pavement. Adequate services shall mean the installation of water mains to the building in accordance with the approved plan and certification of adequate flow for fire protection.
- 3.2 No occupancy permit shall be issued for any unit or building on the Site until all streets, ways, parking areas and landscaping leading to and related to the building or unit have been completed in accordance with the approved plan. Alternatively, the Applicant may receive an occupancy permit after a performance guarantee, adequate in the opinion of the Board or its designee, has been posted with the Board in accordance with the provisions for performance guarantees in the Acton Subdivision Rules and Regulations. All provisions of Section 6 of the

Subdivision Rules and Regulations shall apply. To initiate the posting of a performance guarantee, the Applicant shall submit a certified cost estimate for the work to be bonded. The Board or its designee will determine the actual amount of the performance guarantee. Following the establishment of the initial amount of the performance guarantee, the Applicant may request up to two reductions or adjustments in the performance guarantee prior to final release following project completion.

- 3.3 All streets and ways on Site shall remain private.
- 3.4 All streets ways and access paths shall be maintained at the width specified on the Plan and kept clear of encroaching grass, shrubs, branches or other vegetation.
- 3.5 The Applicant shall submit for the Board's approval a recordable and enforceable covenant to the effect that future street access to the adjacent Mead land where shown on the approved plan shall be available at all times, and that the street between the Mead land and Central Street shall be available for all uses for which streets and ways are commonly used in the Town of Acton. Prior to issuance of a building permit on the Site, the approved document shall be recorded at the Registry or Land Court as appropriate.
- 3.6 Prior to issuance of the 13th building permit on the Site the Applicant shall donate to the Town of Acton the sum of \$50,000.00 to fund the design and construction of a sidewalk along Central Street from Arlington Street to the Fort Pond Brook Bridge.  
Alternatively, the Applicant shall design and construct said sidewalk. In this case the Applicant, prior to the issuance of the 13th building permit on the Site, shall post with the Board a performance guarantee in the amount of \$50,000.00, or the sum necessary to cover the remaining sidewalk design and construction cost. The performance guarantee shall be made in accordance with the Acton Subdivision Rules and Regulations. Prior to construction of the sidewalk, the Applicant shall have received approval of the design plans from the Board.
- 3.7 Prior to the issuance of an occupancy permit for the 20th unit on the Site the following shall be required:
  - a) The on-site affordable unit shall be ready for occupancy (occupancy permit issued). Said unit shall be a Type A unit as shown on the Plan.
  - b) The Applicant and the Town of Acton shall have executed and recorded a regulatory agreement governing the on-site affordable unit. Such regulatory agreement shall in no way contradict the applicable portions of Section 4.4 of the Bylaw. In addition all other deed restriction applicable to the on-site affordable unit shall also be recorded.
  - c) The Applicant shall donate to the Town of Acton the sum of \$100,000.00 (cash or bank check) to be dedicated solely towards the development of affordable housing in the Town of Acton.
- 3.8 All water mains and service lines shall be installed in accordance with Acton Water Supply District specifications and requirements.
- 3.9 Prior to the issuance of a building permit on the Site all outstanding real estate taxes, including interest and penalties shall be paid.
- 3.10 Prior to occupancy of the first unit or building on the Site the following document

shall be recorded with the Registry of Deeds or the Land Court as appropriate: this decision; the record plans; the amendment to the Gregory Lane Open Space Development Special Permit issued concurrently with this decision; the ANR plan dividing Gregory Lane Lot 3; all documents relating to the ownership, use and maintenance of common lands and facilities as approved by the Board or its designee; the covenant concerning street access to the Mead property as approved by the Board or its designee; and all other documents to be recorded under the terms of this decision unless a different time of recording date is specified.

- 3.11 The Applicant shall submit an as built plan upon completion of the entire project.
- 3.12 The common land shall be used as specified in the Plan approved herein. No other uses shall be permitted.
- 3.13 No construction activity, materials storage or stockpiling, or equipment staging area shall occur or be placed outside of the construction limit line as shown on the landscape plan sheet LA 1.1.
- 3.14 The record plan sheets shall be submitted to the Planning Department as "Approval Not Required" plans along with such accessory information as required in the Acton Subdivision Rules.
- 3.15 This Special Permit shall lapse if substantial use thereof has not commenced within 2 years of the filing date of this decision with the Town Clerk except for good cause, or if construction under this Special Permit is not continued through to completion as continuously and expeditiously as is reasonable. A request to extend said time limits must be made in writing to the Board at least 30 days prior to said expiration dates, and the Board herewith reserves its rights and powers to grant or deny such extension, and to require any appropriate changes to the Special Permit.

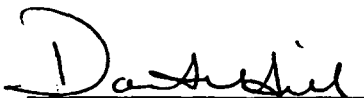
#### 4 LIMITATIONS


- 4.1 This Special Permit applies only to the PCRC and the lots and parcels indicated in the application. All construction shall be conducted in accordance with the terms of this Special Permit and with the improvements shown on the Plan.
- 4.2 This Decision applies only to the requested Special Permit. Other agreements, approvals, or permits required by the Bylaw, or other governmental board, agencies, or bodies having jurisdiction, shall not be assumed or implied by this decision.
- 4.3 The foregoing restrictions have been stated for the purpose of emphasizing their importance, but are not intended to be all inclusive or to negate the remainder of the Bylaw.
- 4.4 The Board hereby reserves its right and power to modify or amend the terms and conditions of this Special Permit with or without a public hearing upon the application of the owner, lessee or mortgagee of the premises or upon its own motion.

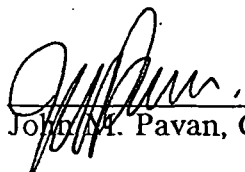
5 APPEALS

Appeals, if any, shall be made pursuant to Section 17 of the Massachusetts General Laws, Chapter 40A, and shall be filed within 20 days after the date of filing this Decision with the Town Clerk.

Witness our hands this twenty-second day of August 1994:

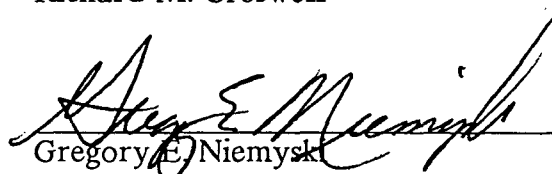
  
David L. Hill, Chairman

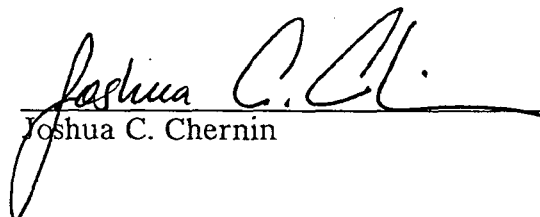
  
William H. Shupert, III, Vice Chairman

  
John M. Pavan, Clerk

  
Richard M. Croswell

\_\_\_\_\_  
James J. Lee

  
Gregory E. Niemysk

  
Joshua C. Chernin

This is to certify that the 20-day appeal period on this decision has passed and there have been no appeals made to this office.

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Date

Copies sent to:

Applicant - Certified Mail#  
Health Director  
Municipal Properties  
Conservation Administrator  
Fire Chief  
Acton Water District

Building Commissioner  
Engineering Administrator  
Town Clerk  
Town Manager  
Historical Commission

rspp94\*15

**TOWN OF ACTON  
INTERDEPARTMENTAL COMMUNICATION**

DATE: August 30, 1994

TO: Board of Selectmen  
FROM: Garry A. Rhodes, Building Commissioner *GAER*  
SUBJECT: Site Plan Special Permit #10/28/71-26 Amendment  
Shell Oil Corp., 341 Great Road  
Second Additional Comments on amended plan

Since August 19, when I supplied the Board with additional comments, I have received more information that I feel further addresses the concerns of the Board. I will briefly outline the issues that are contained within the attached correspondence and raised at the hearing.

1. SIGNS... I will include, in the draft decision, a condition that all nonconforming signs will be removed prior to issuance of the building permit.
2. CANOPY LIGHTING... They propose to use four 400W metal halide. The Board limited the lighting at the Mobil station in West Acton to 250W metal halide lights. The Sunoco station at Mass and Main does not have a limit.
3. DISCLAIMER BY AYOUB ENGINEERING... I will provide a condition that the disclaimer be removed from the plan and an as-built plan be provided.
4. GROUNDWATER PROTECTION... The modified plan showing an oil separator meets the concerns of the Planning Department.
5. SIDEWALK... There is a concern that a sidewalk can not be located on site because of the recent reconstruction of the intersection. The applicant has provided a letter stating that they are willing to contribute \$9000. to a sidewalk fund. I would recommend that this contribution be accepted instead of constructing a sidewalk on site.
6. 21E... The first monitoring wells were installed in 1990. It is not apparent, based on information that we have, how the initial release occurred. The Board of Health was notified by the State in April 1992 and they have monitored the progress since that time. The contaminate levels have dropped since the first monitoring wells were installed except in two recent samplings. Wells GT-3 and GT-102 show an increase level of MTBE, 220ppb and 400ppb respectively. These levels are in excess of Acton Water District Standards, which is 1ppb, but within the State Standards 700ppb. Monitoring well GT-201 has 54ppb of TOTAL BTEX which is in excess of State Standards but is steadily decreasing from initial levels of 1800ppb. The Health Department recommends that the Board request that Shell Oil apply for remediation permit from the Board of Health. The permit will help the Board of Health bring the site into compliance with Acton Water District Standards. I would recommend that the Board use their standard boiler plate for other required permits.
7. FIRE DEPARTMENT... I will include a condition in the draft decision to address these concerns.

## INTER-DEPARTMENTAL COMMUNICATION

---

August 30, 1994

TO: Garry Rhodes, Building Commissioner  
FROM: Doug Halley, Health Director  
SUBJECT: Shell Service Station - Site To Be Investigated

The Board of Health has reviewed the material submitted by Shell Oil Company in regards to the investigation, in progress, of the extent and nature of contamination present at their site located at 341 Great Road. The Health Department has the following comments:

1. The Health Department has been receiving and reviewing documentation from this site since April 1992. In general terms the Department is in agreement with the assessment made in Shell's letter of August 25, 1994.

2. Shell states that the sampling indicates that the concentrations of MTBE are below Massachusetts Drinking Water Standard but does not indicate their relationship to Acton Water District Standards. The Board of Health position is that MTBE and BTEX are volatile organics and must meet the standards of being less than one part per billion.

3. The wells directly down gradient from the tank field indicate that the extent of contamination is decreasing. However, Well GT-3 and GT-102 in the last sampling round had an increase in MTBE. It is not readily apparent where this contamination is coming from but the Heating Oil Fill may be the problem.

Based on these comments the Health Department would recommend that monitoring of all wells continue with particular attention paid to Wells GT-3 and GT-102. The Health Department also believes that Shell should request a remediation permit from the Board of Health under the Hazardous Materials Control Bylaw. It should be noted that the Board does not believe remediation has been completed until the Acton Water District Standards are met.

CHARLES G. KADISON, JR.  
Attorney at Law

---

179 Great Road  
Acton, Massachusetts 01720  
Acton - (508) 264-4886  
Lexington - (617) 861-6662  
Telecopier - (508) 264-0320

August 29, 1994

Board of Selectmen  
Town of Acton  
Town Hall  
Acton, MA 01720

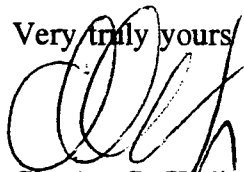
Re: Shell Oil Company/Amendment to Site Plan  
No. 10/28/71-26  
Our File No. 2550

Dear Board Members,

In response to your inquiry at the last session of the public hearing relative to the canopy lighting, please be advised that the area under each canopy will be lighted by 4 - 400 watt metal Halide light fixtures mounted in the canopy ceiling.

Given the particular conditions at this site Shell requests a waiver of the construction of the sidewalk along the frontage of the property and in lieu of the sidewalk, Shell offers a contribution in the amount of \$9,000.00 to the general sidewalk fund established by the Town of Acton.

Very truly yours/



Charles G. Kadison, Jr.  
Attorney for Shell Oil Company

cc: Shell Oil Company

cgk:ck



**AYOUB ENGINEERING, INC.**

ENGINEERING AND ARCHITECTURAL CONSULTANTS

414 BENEFIT STREET

PAWTUCKET, RHODE ISLAND 02861

401-724-5533

TELECOPY 401-724-1110

August 29, 1994

Board of Selectmen  
Town of Acton  
972 Main Street  
Acton, MA 01720

RE: Sidewalks  
Shell Oil Company  
Acton, MA  
341 Great Road  
AEI Project No. 1694

Dear Members of the Board:

At the site plan approval public hearing on August 16, 1994, Shell Oil Company was requested to consider the installation of a five foot wide sidewalk along the northerly property line of parcel one of the subject site in lieu of installing a sidewalk along the Main Street and Great Road frontages. Such a sidewalk could theoretically meet the requirements of the Zoning By-Law.

After considering all aspects of the proposed alternative sidewalk location, Shell wishes to decline that alternative for the following reasons:

- A sidewalk easement of this magnitude across the property would have an adverse impact on the value of the land.
- The gradient along the easterly end of that line would be steep so that during inclement weather conditions the safety of pedestrians would be jeopardized by slippery conditions.
- A sidewalk along that line would conflict with existing trees and the underground storage tank vents.
- The maintenance of the sidewalk not to mention the insurance liability would be burdensome for the station operator.

Board of Selectmen  
Page 2  
Project No. 1694  
August 29, 1994

Given the particular conditions at this site, Shell would like to request a waiver of the sidewalk along the frontage of this property and in lieu of this sidewalk, Shell proposes to make a contribution to the Town of \$9000.00 as recommended by the Town Engineer and Building Commissioner, so that the Town can construct a sidewalk elsewhere in the area to provide for the safe movement of pedestrians and cyclists around the site.

Questions were also raised at the hearing relative to the canopy lighting and the 21E site classifications. Please be advised that the area under each canopy will be lighted by 4 - 400 watt metal Halide light fixtures mounted on the canopy ceiling. The 21E classification will be addressed in a separate communication from Shell's Environmental Engineer.

We trust that the above proposal on the sidewalk issue will meet with your approval and you will grant the requested waiver and approve the site plan.

Very truly yours,



James M. Cavanaugh, P.E.  
Project Manager

JMC/np

# Shell Oil Company



400 Blue Hill Drive  
Westwood MA 02090-2161

New England Retail District

Telephone: (617) 481-4800  
Fax: (617) 481-4840

August 25, 1994

Board of Selectmen  
Town of Acton  
472 Main Street  
Acton, MA 01720

**Re: Summary of Site Conditions  
Shell Service Station  
341 Great Road  
Acton, Massachusetts  
DEP Waiver Site (# 2-0848)**

Dear Board Members:

In response to your request during the August 16, 1994 Board of Selectmen meeting pertaining to proposed activities at the above location, this letter presents a summary of recent site conditions. The subject property was first listed on the Massachusetts List of Confirmed Disposal Sites and Locations to be Investigated as a Confirmed Priority Site on April 15, 1992. As the Potential Responsible Party (PRP), Shell Oil Company performed assessment activities to characterize site conditions, in accordance with the Massachusetts Contingency Plan (MCP). A Waiver of Approvals for the site was granted by the Massachusetts Department of Environmental Protection (The Department) on May 10, 1994, allowing Shell to proceed with future site activities without direct DEP oversight. In accordance with the MCP, Shell will achieve a Permanent Solution or obtain site closure on or before May 10, 1999.

To satisfy the conditions of Waiver Approval, Handex of New England, Inc. collected ground-water samples from six site monitoring wells on June 2, 1994. The samples were transported under Chain of Custody protocol to Pace Laboratories of Hampton, New Hampshire, and analyzed for benzene, toluene, ethylbenzene and xylenes (BTEX) and methyl tertiary butyl ether (MTBE) using EPA Method 602. Laboratory certificates are included in the attached Quarterly Status Report.

Referring to the results of the June 2, 1994 sampling (summarized in Table 1 of the attached report), BTEX compounds were not detected in five monitoring wells. Benzene and xylenes were detected in one monitoring well (MW-201) at concentrations of 30 parts per billion (ppb) and 24 ppb, respectively. MTBE was non-detect in one monitoring well (GT-1), and detected between 3.2 ppb and 400 ppb in five monitoring wells. Figure 1 of the enclosed Quarterly Status Report, A Site Information Map, provides a summary of recent and historical ground-water quality for site monitoring wells.

Historical BTEX concentration data indicates decreasing trends over time for all site monitoring wells. Decreasing trends are also apparent with MTBE concentrations for monitoring wells GT-1, GT-2, GT-103 and GT-201. MTBE concentrations in GT-3 and GT-102 have consistently remained below Massachusetts Drinking Water Standard limits during historical sampling events. The results of the June 2, 1994 ground-water sampling, with the exception of the benzene concentration in MW-201 (30 ppb), are below the most stringent Method 1 Risk Characterization standards (GW-1) outlined under the current Massachusetts Contingency Plan (MCP).

The following table summarizes ground-water quality in comparison to ground-water category GW-1 Method 1 Risk Characterization Standards for BTEX and MTBE:

**SUMMARY OF GROUND-WATER QUALITY**  
EPA Method 602 (BTEX & MTBE)

June 2, 1994

WELL	PARAMETER				
	Benzene	Toluene	Ethylbenzene	Xylenes	MTBE
GT-1	ND	ND	ND	ND	ND
GT-2	ND	ND	ND	ND	3
GT-3	ND	ND	ND	ND	220
GT-102	ND	ND	ND	ND	400
GT-103	ND	ND	ND	ND	6
GT-201	30	ND	ND	24	130
GW-1 std *	5	1,000	700	6,000	700
Note: Units are in parts per billion (ppb). * MCP 310CMR 40.0000 Method 1 Risk Characterization Standards for BTEX and MTBE.					

**FUTURE SITE ACTIVITIES**

Based on recent and historical ground-water quality data, the site does not pose a risk to the health, safety and welfare of humans or the environment; recent ground-water quality results are below Massachusetts Drinking Water Standards for BTEX and MTBE in five monitoring wells.

Shell will continue to monitor and sample site wells for the remainder of 1994. Prior to expiration of the Waiver, a Method 1 Risk Assessment will be performed to move the site toward closure.

Should you have any questions or require additional information, please do not hesitate to contact me at (617) 461-4608.

Sincerely,  
Shell Oil Company

*Scott E. Vanderka*

Richard Hummel II  
Environmental Engineer

cc w/o att:

J. Wagner - Handex, Marlboro, MA



HANDEX OF NEW ENGLAND, INC., 398 Cedar Hill Street, Marlborough, MA. 01752 • (508) 481-5750 • FAX (508) 481-5159

June 16, 1994

Mr. Richard Hummel II  
Shell Oil Company  
400 Bluehill Drive  
Westwood, MA 02090


Re: Quarterly Status Report - Waiver Site  
Shell Service Station  
341 Great Road  
Acton, Massachusetts  
DEP Case No. 2-0848

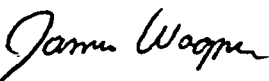
Dear Mr. Hummel:

Enclosed is the Quarterly Gauging and Sampling Status Report for the above location, which summarizes ground-water gauging and sampling activities conducted on June 2, 1994.

Should you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,  
Handex of New England, Inc.

  
Scott E. VanderSea  
Senior Hydrogeologist

  
James Wagner  
Project Manager

cc: J. Edmonds - DEP, Worcester

**QUARTERLY STATUS REPORT**

Shell Service Station

341 Great Road

Acton, Massachusetts

WIC #: 220-0060-0100

STATUS REPORT  
DATE: June 16, 1994HANDEX PROJECT #  
105736-10**GENERAL SITE INFORMATION:**

Monitoring Event Date

June 2, 1994

Owner/Operator

Nick Salakls

Site Name

Shell Service Station

Site Address

341 Great Road, Acton

DEP Site Number / Site Status

2-0848; Waiver Approved on 5/10/94

**WELL GAUGING**

Well Gauging Date

6/2/94. See Observation Well Gauge Report,  
Appendix A.

Average Depth to Water

13.15 feet

Liquid-phase Petroleum Detected

None detected in any monitoring wells

Liquid-phase recovered (gallons)

None

**GROUNDWATER SAMPLING**

Sampling Date

June 2, 1994

Analytical Method

BTEX and MTBE via EPA Method 602

Analytical Results

See Table 1 and Figure 1, Site Information Map

**GROUNDWATER FIELD TESTING**

Monitoring Date

N/A

Field Testing Method

N/A

Field Testing Analytical Results

N/A

**COMMENTS:**

Attachments:

Table 1 - Results of Ground-water Quality

Figure 1 - Site Information Map

Appendix A - Observation Well Gauge Report

Appendix B - Laboratory Analysis Certificates

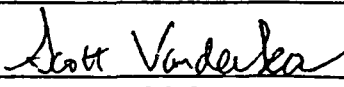
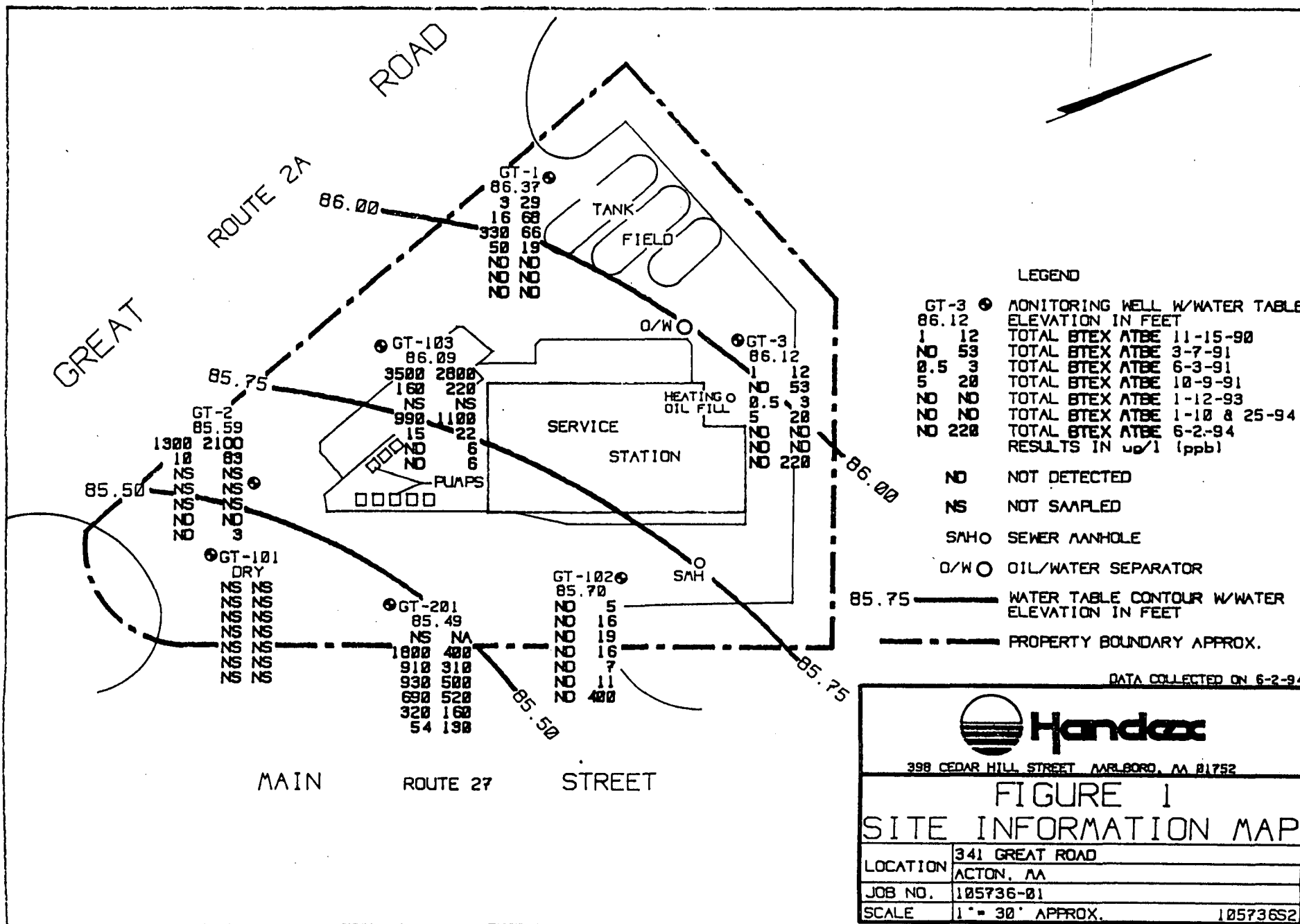
  
HYDROGEOLOGIST  
PROJECT MANAGER

Table 1

**RESULTS OF GROUND-WATER QUALITY**  
**EPA Method 602 - BTEX**

PARAMETER	June 2, 1994						
	GT-1	GT-2	GT-3	GT-101	GT-102	GT-103	MW-201
Benzene	ND	ND	ND	NS	ND	ND	30
Toluene	ND	ND	ND	NS	ND	ND	ND
Ethylbenzene	ND	ND	ND	NS	ND	ND	ND
Xylenes	ND	ND	ND	NS	ND	ND	24
Total BTEX	ND	ND	ND	NS	ND	ND	54
MTBE	ND	3.2	220	NS	400	5.8	130
<b>Notes:</b> ND indicates not detected; NS - Not sampled - no ground water in well. Results are expressed in parts per billion (ppb).							





**APPENDIX A**  
**Observation Well Gauge Report**

## OBSERVATION WELL GAUGE REPORTS

CLIENT: SHELL  
LOCATION: ACTON-GREAT RD & MAIN ST  
STATE: MA

CLIENT CODE:  
HANDEX CODE: 105736

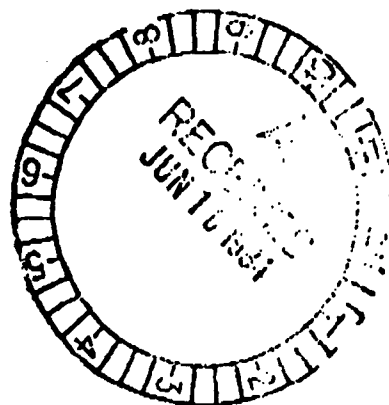
Print date: 6/13/94 Page 1

MONITORING DATE	WELL TYPE-#	C	PRODUCT DEPTH (feet)	WATER DEPTH (feet)	PRODUCT THICK. (feet)	PRODUCT ELEV. (feet)	GW ELEV. (feet)	CORR GW ELEV. (feet)
1-Jun-94	GTI-1			11.79			86.37	86.37
1-Jun-94	GTI-2			12.50			85.59	85.59
1-Jun-94	GTI-3			13.09			86.12	86.12
1-Jun-94	GTI-101	D						
1-Jun-94	GTI-102			14.72			85.70	85.70
1-Jun-94	GTI-103			12.72			86.09	86.09
1-Jun-94	GTI-201			14.07			85.49	85.49

"C"omments: [P = Pumping; N = Non-Pumping; B/A = Before/After Adjustment]  
[I = Well Inaccessible; # = nth Monitoring Event of Day]  
[D = Dry Well; F = Film or Trace of Product] 105736



**APPENDIX B**  
**Laboratory Analysis Certificates**



June 8, 1994

Mr. Jim Wagner  
Handex Of New England, Inc.  
398 Cedar Hill Street  
Marlboro, MA 01752

RE: PACE Lab Number: 40451  
P.O. Number: Shell  
Project ID: Acton  
Project Manager: Lillian Pepin  
Sample Date: June 2, 1994

WIC #: 220-0060-0100  
Great RD/Main  
Acton, MA

Dear Mr. Wagner:

Please find enclosed the following information:

- Technical Narrative
- Sample Condition Receipt Report
- Sample Table
- Results
- Chain-of-Custody

Should you have any questions concerning this report please contact the project manager listed above.

Partial reproduction of this document is prohibited; the final page of this report is so marked.

The following signature indicates technical review and acceptance of the data.

Sincerely,

PACE New England, Inc.

*Richard A. Wellman*  
Authorized Signature

6/8/94  
Date

Laboratory number: 40451 -001  
Sample Designation: GROUND-WATER,GT-1  
Date Sampled: 06/02/94  
Date Analyzed: 06/02/94  
Matrix: WATER

WIC: 220-0060-0100  
Project: ACTON  
Analyst: TN  
Dilution Factor: 1.0

PURGEABLE AROMATICS	CONCENTRATION (ug/L)	QUANTITATION LIMIT (ug/L)
Benzene	ND	1.0
Toluene	ND	1.0
Ethylbenzene	ND	1.0
Xylenes	ND	1.0
* MTBE	ND	2.0
Total BTEX	ND	

METHOD REFERENCE: EPA SW 846, 3rd Edition  
METHOD 8020

ND = Not Detected  
<LOQ = Present below quantitation limit  
\* = Project specific analyte

Laboratory number: 40451-1  
Sample Designation: GROUND-WATER, GT-1 DUP  
Date Analyzed: 06/02/94  
Matrix: WATER

PURGEABLE AROMATICS	CONCENTRATION (ug/L)		RELATIVE % DIFF.
	REP 1	REP 2	
Benzene	ND	ND	
Toluene	ND	ND	
Ethylbenzene	ND	ND	
Xylenes	ND	ND	
*MTBE	ND	ND	
Total BTEX	ND		

METHOD REFERENCE: EPA SW846, 3RD EDITION  
METHOD 8020

ND = Not detected  
\* = Project specific analyte

**MATRIX SPIKE DUPLICATE RECOVERY  
VOLATILE ORGANIC COMPOUNDS**

Laboratory Number: 40451-1MS  
Sample Designation: GROUND-WATER, GT-1MS  
Date Analyzed: 06/02/94  
Matrix: WATER

COMPOUND	ug/L IN SAMPLE	ug/L SPIKE	ug/L FOUND	%REC- OVERY
BENZENE	0	50	51	102
TOLUENE	0	50	46	92

METHOD REFERENCE: EPA SW 846, 3RD EDITION  
METHOD 8020

Laboratory number: 40451 -002  
Sample Designation: GROUND-WATER,GT-2  
Date Sampled: 06/02/94  
Date Analyzed: 06/02/94  
Matrix: WATER

WIC: 220-0060-0100  
Project: ACTON  
Analyst: TN  
Dilution Factor: 1.0

PURGEABLE AROMATICS	CONCENTRATION (ug/L)	QUANTITATION LIMIT (ug/L)
Benzene	ND	1.0
Toluene	ND	1.0
Ethylbenzene	ND	1.0
Xylenes	ND	1.0
* MTBE	3.2	2.0
Total BTEX	ND	

METHOD REFERENCE: EPA SW 846, 3rd Edition  
METHOD 8020

ND = Not Detected  
<LOQ = Present below quantitation limit  
\* = Project specific analyte



Laboratory number: 40451 -003  
Sample Designation: GROUND-WATER, GT-3  
Date Sampled: 06/02/94  
Date Analyzed: 06/02/94  
Matrix: WATER

WIC: 220-0060-0100  
Project: ACTON  
Analyst: TN  
Dilution Factor: 1.6667

PURGEABLE AROMATICS	CONCENTRATION (ug/L)	QUANTITATION LIMIT (ug/L)
Benzene	ND	1.7
Toluene	ND	1.7
Ethylbenzene	ND	1.7
Xylenes	ND	1.7
* MTBE	220	3.3
Total BTEX	ND	

METHOD REFERENCE: EPA SW 846, 3rd Edition  
METHOD 8020

ND = Not Detected  
<LOQ = Present below quantitation limit  
\* = Project specific analyte

This sample required dilution to bring a high target analyte concentration into the calibration range.  
Detection limits were elevated accordingly.

Laboratory number: 40451 -004 WIC: 220-0060-0100  
Sample Designation: GROUND-WATER,GT-102  
Date Sampled: 06/02/94 Project: ACTON  
Date Analyzed: 06/02/94 Analyst: TN  
Matrix: WATER Dilution Factor: 2.5

PURGEABLE AROMATICS	CONCENTRATION (ug/L)	QUANTITATION LIMIT (ug/L)
Benzene	ND	2.5
Toluene	ND	2.5
Ethylbenzene	ND	2.5
Xylenes	ND	2.5
* MTBE	400	5.0
Total BTEX	ND	

METHOD REFERENCE: EPA SW 846, 3rd Edition  
METHOD 8020

ND = Not Detected  
<LOQ = Present below quantitation limit  
\* = Project specific analyte

This sample required dilution to bring a high target analyte concentration into the calibration range.  
Detection limits were elevated accordingly.

Laboratory number: 40451 -005  
Sample Designation: GROUND-WATER,GT-103  
Date Sampled: 06/02/94  
Date Analyzed: 06/02/94  
Matrix: WATER

WIC: 220-0060-0100  
Project: ACTON  
Analyst: TN  
Dilution Factor: 1.0

PURGEABLE AROMATICS	CONCENTRATION (ug/L)	QUANTITATION LIMIT (ug/L)
Benzene	ND	1.0
Toluene	ND	1.0
Ethylbenzene	ND	1.0
Xylenes	ND	1.0
* MTBE	5.8	2.0
Total BTEX	ND	

METHOD REFERENCE: EPA SW 846, 3rd Edition  
METHOD 8020

ND = Not Detected  
<LOQ = Present below quantitation limit  
\* = Project specific analyte

Laboratory number: 40451 -006  
Sample Designation: GROUND-WATER,GT-201  
Date Sampled: 06/02/94  
Date Analyzed: 06/03/94  
Matrix: WATER

WIC: 220-0060-0100  
Project: ACTON  
Analyst: TN  
Dilution Factor: 10.

PURGEABLE AROMATICS	CONCENTRATION (ug/L)	QUANTITATION LIMIT (ug/L)
Benzene	30	10
Toluene	ND	10
Ethylbenzene	ND	10
Xylenes	24	10
* MTBE	130	20
Total BTEX	54	

METHOD REFERENCE: EPA SW 846, 3rd Edition  
METHOD 8020

ND = Not Detected  
<LOQ = Present below quantitation limit  
\* = Project specific analyte

Detection limit raised by the presence of non-listed compounds.

"MILL CORNER"  
(SOUTH ACTON VILLAGE):  
AN ARCHITECTURAL HISTORY

based on  
*A Walking Tour of Mill Corner*  
by Robert H. Nylander

see  
pp 6-7



Revised and expanded  
by Barbara Nylander and Anne McCarthy Forbes  
1989

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The last house on the east side of the street before the intersection with High Street, 105-107 Main St., is the "Faulkner Double House." It was built in 1844 by South Acton carpenter Moses Hayward on Winthrop Faulkner's land. The house represents a transition from the Federal to the Greek Revival style, with such Greek Revival elements as the very wide plain board surfaces of the doorway and "frieze board" under the eaves combined with narrow cornerboards and "water table" at the foundation that are more characteristic of the Federal style. This building has one of the most distinctive Greek Revival doorways in South Acton. A pair of vertically-paneled doors are surrounded by full-length sidelights and simple pilasters, with a wide shallow pediment above. The bay window on the north end is a later addition of the Italianate period, and has the flared "pagoda" roof shape found in many houses in South Acton.

102 Main St. is one of the area's several converted craftsman's shops. Another mid-nineteenth-century building, it contained a wheelwright's shop by 1856. By 1875 the shop was owned by Amos Brooks, and was later known as "the tin shop".

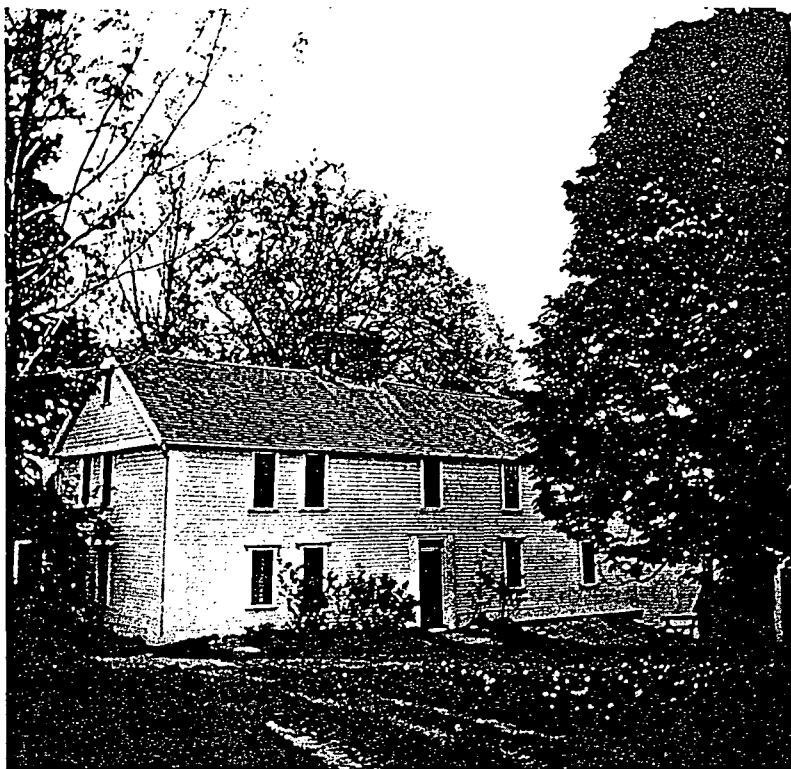
104 Main St., a much-rebuilt 1 1/2-story "gable-end" cottage, was built by blacksmith Marshall Stone between 1852 and 1856 on the lot that included the land at 106 Main St., as well. (Deeds show that between 1844 and 1847 a blacksmith shop was built at #106. The present house there is a 1906-18 conversion of the original structure.) Stone sold the property to Eli F. Davis, a blacksmith from Charlestown in 1858; it was subsequently owned by South Acton merchants, including James and Varnum Tuttle, with Elnathan Jones, Jr., and later Charles Harrington.

A house that stood until the late 1970's at 108 Main St. was used for a time as a jail in the 1910's and 20's.

#### The Jones/Faulkner Mills

At the intersection of High Street one enters the core area of Acton's earliest development. In 1702, Ephraim Jones, Samuel Jones, and Jonathan Knight built a mud sill dam here at the falls of "the Great Brook", (now Fort Pond Brook,) with Ephraim Jones's 1702 fulling mill as the first of several commercial enterprises to utilize the resulting water power. Parts of the little clapboard building adjacent to the brook in the Erikson Grain Mill complex may date to that early structure. Water from the brook was diverted into a large circular pool just south of the building, where some of the processes for the washing and fulling of woolen cloth took place.

Up the hill to the south of the mill complex, at the corner of Main and High Streets is Acton's oldest building, the grand "manor house" that Ephraim Jones built in 1707. It is now known as the Faulkner Homestead, after six generations of the Faulkner family, who ran the mills and lived there from 1738 to 1933. Through Ammi Ruhammah, then Francis, Winthrop and Winthrop E. Faulkner, the various mill operations were expanded into a major late eighteenth- and nineteenth-century enterprise. It was here at the home of their Captain, (later Colonel,) Francis Faulkner, that Acton's West Militia Company assembled to march to the "Concord Fight" on April 19, 1775. Because of its importance in the town's history and its great architectural value, the Faulkner Homestead was Acton's first building to be listed on the National Register of Historic Places. A remarkably well-preserved example of American "First Period" (pre-1725,) architecture, it shows several lingering post-medieval features, including the non-symmetrical facade, (on the south side,) massive pilastered chimney, and, rarest of all, the structural overhang, (seen here below the attic story on the ends of the building) that went out of style by the second quarter of the eighteenth century.



The Faulkner Homestead.  
[Iron Work Farm in Acton,  
Inc.]

Over the years, other operations were added to the mill complex on the northeast corner of Main and High Streets. A small "corn mill" was built just east of the fulling mill in about 1750, enlarged to a three-story grist mill in the 1840's. This building, with some adjacent sheds and store houses, burned down in 1976. Of an 1877 grain elevator, only the brick first story, (behind the present sales room,) survived the fire. One storehouse remains, however--the large clapboard building of ca. 1850 at the southwest corner of the mill yard. It is built into the hillside, with both levels accessible from driveways.

✓ A spur line of tracks, called "Faulkner's siding," leads east of the mill yard. Near the point where it joins the railroad is a stone arch bridge, built in 1844 to carry the railroad across the brook. Its construction was a notable feat for its time, before the principle of the iron trestle was developed.

A saw mill was begun downstream even earlier than the grist mill in, (1706,) and moved to the north side of the dam opposite the fulling mill in ca. 1728. It was constructed by Samuel Jones and Jonathan Knight, and stood until 1932 on the north side of the brook on the grassy area that can be seen from today's railroad overpass. The path that leads to the saw mill site is part of the original road of before 1703.

#### "South Acton", or "Exchange Square"

The saw mill yard extended north to School Street until the railroad was built in 1844. After that the section north of the tracks was sold for commercial buildings, including a blacksmith shop, an 1880's post office, and a bicycle shop.

✓ The present stone dam was constructed in 1848 by Col. Winthrop E. Faulkner, then owner of most of the mills clustered at Mill Corner. The (stone arch bridge) over the brook, and railroad overpass at its north end were constructed in 1906.

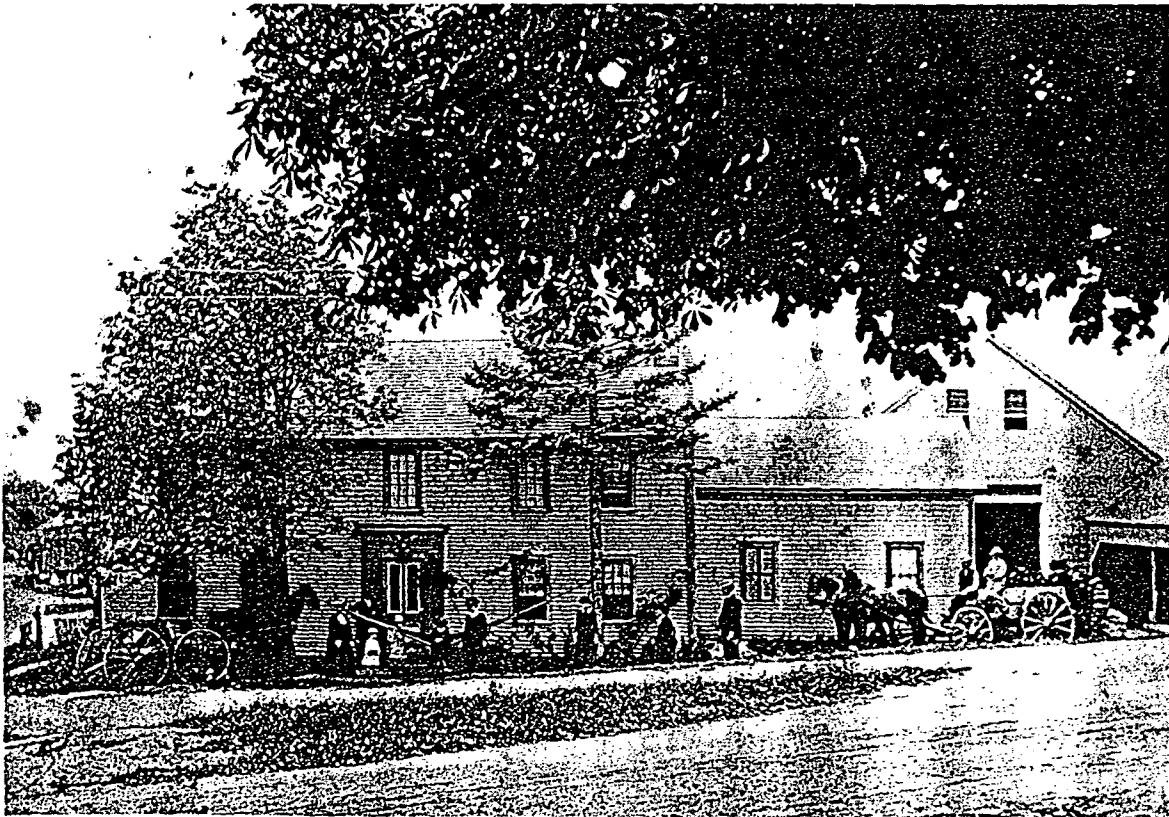
Bridge - 1906

Before the overpass was built, Main Street passed over the railroad via a grade crossing, and Stow Street originated at the upper end of the present Railroad Street, (where an octagonal bandstand stood in the late 1870's-'80's.) Stow Street, too,

crossed the tracks by a grade crossing, just west of a busy railroad yard that had a siding, an engine house, turntable, and an early depot.

The intersection just north of the railroad was known in the later nineteenth Century as "Exchange Square," or "South Acton Square," and after World War I as "Quimby Square." Today it is still dominated by buildings associated with one of Acton's most remarkable enterprises, Tuttles, Jones, & Wetherbee Company, which, from about 1850 to 1900, was the most extensive establishment of its kind in Middlesex County west of Waltham. A forerunner of the modern department store, this company, like the Jones/Faulkner Mills, came to embrace a wide variety of operations, eventually including a grocery and meat market, tailor shop, jewelry store, and drygoods, clothing, and furniture sales. The company was founded in 1845 by James Tuttle, who took over the Jones Tavern and store from his father-in-law, Elnathan Jones, Sr., and rapidly expanded the business, adding other partners in the 1850's and '60's.

One of the earliest of the buildings, the James Tuttle Store of 1845, stood just north of the present railway bridge location until 1906. (James Tuttle's house, built against the rear of the store in 1849, was moved to make way for the railway bridge construction; part of it still stands at 8 Piper Lane.) Northwest of the store site, at 124 Main St., (is Central Hall, the company's tailor shop, which originally had a meeting hall on the second floor where the Universalist Church, South Acton's first religious society, was organized in 1858. This building was built in 1852, and has the bracketed, shallow-pitched roof associated with the Italianate taste just coming into favor at that time. The beautiful tree behind the building is a rare cucumber magnolia, planted about 1850 by Eliza Jones Tuttle, (Mrs. James,) in her garden. In this century, Central Hall also housed the South Acton post office.



The Jones Farm, 128 Main Street, about 1890.  
[Iron Work Farm in Acton, Inc.]



Across Railroad Street, at 128 Main St., is another of South Acton's National Register buildings, Jones Tavern. This building is a composite of three separate houses, with an assortment of other eighteenth- and nineteenth-century additions. The two-story section facing Railroad Street is the house built on land given Samuel Jones, Jr., by his father on the occasion of his marriage in 1732. It appears to be a typical eighteenth-century vernacular New England farmhouse in its two-story symmetrical facade, with 6-over-9-light sash windows. Structural evidence shows, however, that it was built with small "First Period" casement windows, (as was the Faulkner Homestead.) In 1750, Samuel Jones, Jr. opened a tavern and general store here in a leanto at the west end of the house. The tavern became one of Acton's Revolutionary rallying places, (the only one still standing.) The store, the first in town, was run by generations of Joneses--Samuel, Jr., Aaron, and Elnathan, who in 1845 turned the business over to James Tuttle. It was James Tuttle who began the expansion into other buildings, eventually forming Tuttles, Jones, and Wetherbee with his brother Varnum and brothers-in-law Elnathan Jones, Jr., and Jonathan K. W. Wetherbee. After Elnathan Jones, Jr. established a dairy farm on the large family acreage, the building was used as both the residence of the farm's superintendent and a boarding house for TJ&W employees. The building today is most expressive of the Federal style, having been greatly enlarged by Aaron Jones in 1818, (with the addition of an entire two-story "two-thirds" house facing Main St.) Details such as the delicate pilastered door surrounds are some of the most well-preserved Federal features in Acton.

Across Main Street, behind Exchange Hall, the largest of the company's facilities at the square, (see #2 School Street,) are two buildings built by Abram H. Jones, (son of Abel Jones, brother of Elnathan.) Abram's house at 131 Main, is a beautiful 1860's example of the vernacular Italianate style, with round-topped gable windows, paneled corner pilasters, and an unusual pair of bay windows connected by a bracketed pogoda roof. Behind the house is part of the Jones Cider Mill, an 1860's replacement of an earlier cider mill that originally supplied Jones Tavern. It was converted to a dwelling about 1910.

Other Jones family houses remain on the west side of the street. #132 was built ca. 1849 by Elnathan Jones for his daughter, Martha Ann, around the time of her marriage to Francis Conant. The pierced, carved brackets at the door hood, and two-story bay windows are Italianate features, dating from later in the century. 136 Main St., now much altered, was built by Elnathan Jones, Jr. ca. 1856 for his own residence.

#### Main Street, north of the square

The upper section of Main Street in South Acton was largely built up in the late nineteenth and early twentieth centuries. Although many of the houses have been altered, it is still an area of architectural interest and variety, with simple "gable-end" cottages, Four-Squares, a bungalow, several large Queen Anne houses, and some substantial outbuildings. Four houses on the west side, from #s 164 through 174, were the work of John Hoar, one of Acton's most prolific builders of the 1880's and '90's.

The focal point of this section, however, is one of the town's few examples of the Stick Style. The First Universalist Church, at 140 Main St., (now the Acton Music School,) was designed in 1877-78 by the Boston architectural firm of Ober and Rand, and built by George Wood of Concord. Note the range of wall treatments here--clapboard, flushboard, board and batten, and the characteristic "stickwork" or "strapwork" panels of the Stick Style. Pierced decoration and wooden gable screens on the entry porches are also features of this European-inspired architecture.